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Convention on the Elimination of All Forms of Discrimination against Women

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12 March 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Sixteenth session

SUMMARY RECORD OF THE 310th MEETING

Held at Headquarters, New York,
on Monday, 13 January 1997, at 10 a.m.

Chairperson: Ms. CORTI

later: Ms. KHAN

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The meeting was called to order at 10.35 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the sixteenth session of the Committee on the Elimination of Discrimination against Women (CEDAW).

2. Ms. KING (Director of the Division for the Advancement of Women) welcomed the new members of the Committee elected at the ninth meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women in February 1996 and congratulated the five new members who had been elected at that meeting. She expressed gratitude to the experts whose terms had ended in 1996.

3. The sixteenth session of the Committee came at an important time in the life of the United Nations, just after the appointment of the new Secretary-General and at the beginning of the year which marked the fiftieth anniversary of the Commission on the Status of Women. It also came after an important cycle of United Nations conferences that had solidified links between all parts of the United Nations system, Member States, civil society and non-governmental organizations, setting the stage for further consolidating action and implementation by those actors. The Committee had played a particularly important role in the Fourth World Conference on Women, and had already made provision for reporting on the follow-up to the Beijing Declaration and Platform for Action.

4. The Committee would be encouraged by the steady increase in the number of States that had ratified or acceded to the Convention; that number had reached 154, making universal ratification by the year 2000 a readily achievable goal. Although the Convention continued to be subject to a large number of reservations, some of which were far-reaching, progress had also been achieved in that regard. In its resolution 51/68, the General Assembly had urged States to limit the extent of any reservations they lodged, to ensure that no reservations were incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and to review their reservations regularly with a view to withdrawing them.

5. The limitation on the Committee's meeting time in article 20 (1) of the Convention was an urgent issue. She recalled that the General Assembly, in its resolution 50/202, had approved an amendment to that provision, subject to the approval of two thirds of the States parties, and as of 10 January 1997, 11 of the latter had accepted the arrangement. As an interim measure, the General Assembly had, in its resolution 51/68, approved the Committee's request to hold two sessions annually, each of three weeks' duration. The seventeenth session of the Committee would be held in July 1997. She was confident that the interim measure would shortly be overtaken by the amendment agreed by the General Assembly in 1995, and that the provision of two sessions annually would allow the Committee to address its backlog of reports.

6. Positive steps were being taken by the Secretariat to encourage the significant number of States parties which had not submitted reports to the Committee to do so in a timely fashion. She hoped that those measures would encourage States parties to act in the spirit of the Platform for Action and regularize their reporting obligations by the year 2000.

7. Differences in legal systems, country situations and measures applied in implementing the Convention made the task of Committee members difficult yet rewarding. The Committee was the central treaty body having the task of implementing the objectives of the United Nations Charter and the Universal Declaration on Human Rights with respect to the elimination of discrimination on the basis of sex. The Committee's central role in that regard had been acknowledged in a number of ways since its last session. Concrete efforts continued to be made to strengthen the Committee's role through the proposal to develop a complaints mechanism by way of an optional protocol to the Convention. At its fortieth session in 1996, an open-ended working group of the Commission on the Status of Women had discussed the elements of such a protocol, which had been suggested by the Committee at its fourteenth session in 1995. Those deliberations would continue at the Commission's forty-first session. The Chairperson of the Working Group had also offered to provide, at one of the Committee's meetings, a briefing on developments with regard to the optional protocol. During the current year, the officers of the Committee could also hold an exchange of views with the Bureau of the Commission.

8. The Committee's central importance had also been demonstrated at the meeting of persons chairing treaty bodies in September 1996, where the Chairperson of the Committee had been elected to preside over that body. In November 1996, several members of the Committee had joined with members of the Committee on the Rights of the Child for a meeting in Cairo at which members of the two committees had been able to exchange views on matters of regional interest, including working methods and strategies to approach reservations. In December, three members of the Committee had participated in a round table organized by the United Nations Population Fund (UNFPA), the Division for the Advancement of Women and the Commission on Human Rights on human rights approaches to women's health, with a focus on reproductive and sexual health rights. That had been the first time that members of all the human rights treaty bodies had met to discuss a substantive issue.

9. During its current session, the Committee would be considering its new draft rules of procedure under agenda item 8. She suggested that the Committee should have a first reading of the draft, and that a revised draft could be prepared for the Committee's session in July 1997. That would also enable the Committee to benefit from the outcome of current consideration by the Human Rights Committee of its own rules of procedure.

10. The Committee would also be taking up the important question of relations with non-governmental organizations. The Secretariat had prepared a thorough review of the experience of other treaty bodies in that regard. She welcomed the fact that representatives of a number of non-governmental organizations were attending the session.

11. With regard to working methods, it had been proposed at a meeting of the pre-session working group that in future the Secretariat should include questions supplied by experts on the reports of States parties, so as to allow members of that group to conduct a deeper review of those reports and to discuss themes that emerged over time in respect of particular States parties.

12. She wished the Committee well in its efforts to monitor the implementation of the Convention and to develop general recommendations to ensure that the Convention continued to be an important tool for promoting women's human rights.

TRIBUTE TO THE MEMORY OF MS. IRENE CORTES, FORMER MEMBER OF THE COMMITTEE

13. At the suggestion of Ms. King, the members of the Committee observed a minute of silence.

SOLEMN DECLARATION BY THE NEW MEMBERS OF THE COMMITTEE

14. The new members of the Committee, namely, Ms. Acar, Ms. Gómez, Ms. González Martínez, Ms. Yung-Chung Kim and Ms. Ryel, made the solemn declaration provided for in rule 10 of the Committee's rules of procedure.

ELECTION OF OFFICERS

15. The CHAIRPERSON invited nominations for election to the offices of Chairperson, Vice-Chairpersons and Rapporteur for a term of two years, in accordance with article 15, paragraph 2, of the Convention and rules 13 and 14 of the Committee's rules of procedure. Speaking in her personal capacity, she nominated Ms. Khan for the office of Chairperson.

16. Ms. Khan was elected Chairperson by acclamation.

17. Ms. Khan took the Chair.

18. Ms. BARE nominated Ms. Abaka, Ms. Schöpp-Schilling nominated Ms. Bustelo García del Real and Ms. Gómez nominated Ms. Estrada Castillo for the three offices of Vice-Chairperson.

19. Ms. Abaka, Ms. Bustelo García del Real and Ms. Estrada Castillo were elected Vice-Chairpersons by acclamation.

20. Ms. BUSTELO GARCÍA DEL REAL nominated Ms. Javate de Dios for the office of Rapporteur.

21. Ms. Javate de Dios was elected Rapporteur by acclamation.

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

22. The agenda was adopted.

REPORT OF THE CHAIRPERSON ON ACTIVITIES UNDERTAKEN BETWEEN THE FIFTEENTH AND SIXTEENTH SESSIONS OF THE COMMITTEE AND CONSIDERATION OF THE REPORT OF THE SEVENTH MEETING OF PERSONS CHAIRING THE HUMAN RIGHTS TREATY BODIES AND ACTION TAKEN BY THE GENERAL ASSEMBLY CONCERNING TREATY BODIES

23. Ms. CORTI said that during the course of 1996 she had represented the Committee at various meetings, including a panel discussion on violence against women in all its forms, which had been part of the celebration of International Women's Day. She had presented a paper at a seminar on violence against women at the invitation of the French Ministry of Justice and had participated in the conference of the International Federation of Business and Professional Women, which had been held in Venice from 14 to 22 July. She had also participated in the International Conference of the Women-Mothers Association in Tunis from 10 to 12 August and in the annual meeting of the chairpersons of human rights treaty bodies which had been held in Geneva. She had met in New York with the Executive Director of the United Nations Children's Fund (UNICEF) and with the Executive Director of the United Nations Population Fund (UNFPA) to discuss proposals for future cooperation between the Funds and the Committee.

24. Turning to the activities of the Working Group on the Optional Protocol, she noted that the decision of the Chairperson to invite two experts from the Human Rights Committee to express their views on the controversial issue of justiciability had been a timely and very effective response to the concerns of many delegations. The experts had made the crucial point that, as the Convention itself was based on the principles of non-discrimination and equality, all its other provisions could be traced back to those principles. With regard to the concerns expressed by some delegations about possible overlapping should the optional protocol be adopted, the Committee's position was that the optional protocol was not repetitive and that the Convention would be inadequate without it.

25. Among the other issues that were likely to be debated were whether communications should be submitted by individuals, groups or organizations, the exhaustion of domestic remedies, anonymity, other sources of information and adequate reparation. The Committee's objective was that the best possible text should be adopted which would not only guarantee effective access by women to remedies against discrimination but would also be acceptable to Governments.

26. With reference to the note by the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/51/482), it was important to elaborate new rules of procedure for the enactment of future amendments without going through the full constitutional ratification process in the States parties. The chairpersons had suggested, for example, that any new human rights treaties should be drafted to provide that if two thirds of the States parties to such a treaty found that a decision to amend was procedural, then they could amend it at a meeting of States parties without referring it to their constitutional procedures for ratification (para. 25).

27. The chairpersons had also decided to institutionalize the relationship between the treaty bodies and non-governmental organizations (para. 35) and had further recommended that, in future, treaty bodies should consider much more

carefully what kind of assistance they would like from United Nations bodies and specialized agencies and should do their utmost to describe as precisely as possible their requests to such bodies and specialized agencies (para. 51). Finally, the chairpersons's recommendation that individual treaty bodies should enhance their cooperation with regional human rights mechanisms, if implemented, could be beneficial to the Committee in many ways.

28. During her discussions with the Executive Director of UNICEF, she had made a number of concrete proposals for future cooperation between the Fund and the Committee, which had been accepted in principle. The Committee's proposals were also strongly supported by the United Nations High Commissioner for Human Rights, in particular the full integration of the gender perspective into the work of human rights treaty bodies.

29. In her meeting with the Executive Director of UNFPA, she had proposed that the Fund should consider introducing the women's human rights perspective into its training curricula and should include experts from the Committee in its training programmes. Committee experts should also be included as observers in the Fund's country missions to review national development strategies. The Executive Director of the Fund was due to attend one of the meetings of the Committee's current session, and it would therefore be useful to prepare other concrete proposals for ongoing collaboration.

30. Regarding cooperation with the United Nations Development Fund for Women during 1996, the Fund had contributed to the empowerment of women through its efforts to enhance public awareness of the Convention.

31. The recent major international conferences had provided an opportunity for her to meet with representatives of States parties, specialized agencies of the United Nations and non-governmental organizations and to participate in various workshops, seminars and tribunals on violence against women. The World Conference on Human Rights had recognized that women's rights were human rights and that the rights of women and of the girl child were an integral, indivisible and interdependent part of universal human rights. That new outlook had strengthened the Committee's cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the preparation of a joint text on the right of women and girls to education as a human right.

32. For the first time in history, human rights treaty bodies had held a joint meeting on human rights approaches to women's health, with a focus on reproductive and sexual rights. Representatives from almost all the major specialized agencies concerned with the health and education of women and girls, together with non-governmental experts from every region, had also attended. The meeting had explored ways of better protecting the reproductive and sexual rights of women.

33. During 1996, the Commonwealth Medical Association (CMA) had organized a very useful seminar in Toronto on women's health as a human right, in which experts from the Committee, United Nations staff and numerous other specialists from around the world had participated. The aim of the meeting was to encourage participants to promote the implementation of the Convention and to allow the

Committee's experts to better understand the health problems of women in different regions.

34. She recalled that the Committee had responded promptly within the limits of its mandate and had denounced the massive violations of women's human rights which had taken place in Bosnia and Herzegovina and in Rwanda. In turn, in the autumn of 1996, women in Afghanistan had become victims of religious fundamentalism. There had been no time to consult the Committee, and she had assumed responsibility for responding and denouncing on the Internet the violation of women's human rights. The strong reaction of the Secretary-General had followed the Committee's protests.

35. While the Committee had done much to improve its working methods, its internal procedures for the effective consideration of reports must be further developed. Efforts must also be pursued to make the Convention as universally known as the Convention on the Rights of the Child.

36. For the first time, the Committee would be meeting twice each year and would thus have an opportunity to eliminate the backlog of unexamined reports and to devote more time and attention to the preparation and adoption of concluding comments thereon. Even two meetings a year were not sufficient, however, and the Committee's work needed to be further rationalized. The adoption during the current session of the Committee's new rules of procedure would be particularly helpful in that regard. Efforts must also be made to establish a permanent relationship with the special rapporteurs in order to keep the Committee better informed of the status of women in those countries for which special rapporteurs had been appointed.

37. Lastly, she expressed her heartfelt gratitude to all her colleagues and associates, without whose help she would have been unable to effectively discharge her responsibilities as Chairperson of the Committee.

TRIBUTE TO THE OUTGOING CHAIRPERSON

38. The members of the Committee paid tribute to the outgoing Chairperson.

39. Ms. GONZÁLEZ MARTÍNEZ requested that the outgoing Chairperson's report should be distributed to all members of the Committee.

40. Ms. SHALEV drew attention to the fact that some crucial documents, such as the report of the Working Group on the Optional Protocol and the report of the Secretariat on reservations to the Convention, were missing.

41. Ms. ABAKA said that she did not see the need for assigning experts to follow the work of various human rights committees. Since the Chairperson attended the meetings of persons chairing human rights treaty bodies, she could include in her report the decisions taken at those meetings. She suggested that experts should be assigned to help establish a permanent relationship between the Committee and the various relevant United Nations agencies and bodies. Should that suggestion be accepted, one of the working groups could take it up and report thereon at the plenary meeting.

42. Ms. CARTWRIGHT said that she would support any efforts aimed at establishing closer working relationships with non-governmental organizations.

43. Ms. CORTI said that information concerning the meetings of persons chairing the human rights treaty bodies had already been disseminated. In that context, she suggested that the Committee should find a way of publicizing its activities more widely.

44. Ms. BUSTELO GARCÍA DEL REAL suggested that Ms. Abaka's proposal, should be taken up by Working Group I.

45. Ms. SCHÖPP-SCHILLING said that, for the first time ever, she had received reports from the Geneva Centre for Human Rights on the work of other treaty bodies, a clear sign of improved communications and cooperation.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

46. Ms. TIMOTHY (Deputy Director of the Division for the Advancement of Women), introducing the agenda item on the implementation of article 21, said that the Committee was in the process of preparing a general recommendation on Convention articles 7 and 8, on women in political and public life. In that regard, it would have before it document CEDAW/C/1994/4. At its previous session, the Committee had drafted a text and asked Ms. Cartwright to revise it. Ms. Cartwright had prepared a revision and submitted it to the Secretariat, which was proposing a new draft text (CEDAW/C/1997/WG.II/WP.1), based on the experts' contribution as revised by Ms. Cartwright and on inputs from a consultant. The Secretariat had also benefited from the general comments of the Human Rights Committee on article 25, which concerned the right to participate in public life. She hoped that, notwithstanding its rather late submission, the draft would provide a basis for the Committee to conclude its general recommendation on Convention articles 7 and 8 at the current session.

47. Pursuant to its decision at the tenth session to receive written inputs from specialized agencies and other United Nations bodies, the Committee had received for the current session inputs from the International Labour Organization (ILO) and UNESCO. No information had been received from the World Health Organization (WHO). Working Group II might wish to consider further the question of interaction with the specialized agencies to ensure mutually beneficial results.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE

48. Ms. CONNORS (Chief of the Women's Rights Unit, Division for the Advancement of Women) introduced the report of the Secretariat on ways and means of expediting the work of the Committee (CEDAW/C/1997/5), which included a discussion of cooperation between the Committee and United Nations bodies and specialized agencies, together with an analysis of the practice of other treaty bodies in relation to receiving information from non-governmental organizations and to participation of the latter in the work of the treaty bodies, as requested by the Committee in its decision 15/II. However, that report had been drafted prior to the adoption of General Assembly resolution 51/68. Her

Division had recently opened a site on the World Wide Web to provide more comprehensive information on the Committee's work.

49. Working Group I also had before it a working paper containing an updated version of its draft rules of procedure (CEDAW/C/1997/WG.I/WP.1), which it had requested one of its members, Ms. Bernard, to prepare. Although, the latter had been unable to attend the current session of the Committee, she had agreed that, in the event the Committee chose to conduct a first reading of her draft and to make initial comments, she would review those comments submitted to her by the Committee and compile a revised draft for the Committee's consideration in July 1997.

50. Pursuant to the Committee's request, the Secretariat had prepared a report on reservations to the Convention (CEDAW/C/1997/4). In its consideration of that important area, the Working Group might take into account the fact that the International Law Commission was likely to take up the issue of reservations to human rights treaties later in 1997. The results of the Committee's discussions would be transmitted to the secretariat of the International Law Commission.

51. Ms. SHALEV wondered how the Committee was going to deal with the work on the optional protocol to the Convention.

52. Ms. KING (Director of the Division for the Advancement of Women) said the Secretariat had thought that the work should be dealt with in the context of the working groups. Committee members could decide on which working group would consider the optional protocol, after setting up the groups and establishing their programmes.

53. Ms. SCHÖPP-SCHILLING said that there had been a suggestion that Member States might be requested to produce a single, global report covering their reporting obligations in respect of all the human rights treaties to which they were parties, and asked whether further information was available. In addition, it was her understanding that the Secretary of the Human Rights Committee had compiled a lengthy study on the question of reservations, and she asked whether it could be made available to members of the Committee.

54. Ms. COPTI agreed that the study on reservations would be useful. As for the prospect of a global report, it had been discussed without any conclusion being reached; there was general concern that the independence of the various treaty monitoring bodies might be compromised if such a proposal were to be adopted.

55. Ms. JAVATE DE DIOS said that she would welcome closer links with specialized agencies, since that would offer the potential for more effective contributions by those agencies, for example, in the discussion of general recommendations. Working Group I should take up the question and issue guidelines. That would ensure that no member of the Committee was overloaded, as a heavier workload would result. She would also welcome looking at closer relationships with non-governmental organizations. Guidelines on that issue, for consideration at the July session, would also be welcome. The Committee might also consider the fact that the taking up of general recommendations

during the session made it difficult for it to complete its work; a long-term approach should be devised to that question.

56. The CHAIRPERSON informed the Committee of the composition of Working Group I, on ways and means of expediting the work of the Committee, and Working Group II, on ways and means of implementing article 21 of the Convention.

57. Ms. CORTI asked whether Working Group I would discuss the rules of procedure.

58. The CHAIRPERSON said that it was for the Working Group to decide.

59. Ms. BUSTELO GARCÍA DEL REAL said that Working Group I should consider the rules of procedure.

60. Ms. BARE said that Working Group I could help the Committee to identify areas of critical concern emerging from the reports of States parties to allow for more detailed analysis. The Committee currently tended to skim through all the articles of the Convention, perhaps not doing justice to all the issues raised by States parties. Tradition and culture, for example, would benefit from consideration in more depth.

61. The CHAIRPERSON said that such a proposal would normally be considered by Working Group II.

62. Ms. GONZÁLEZ said that it would be useful for there to be an initial reaction to the proposed amendments to the rules of procedure, at the working group level, to expedite work at the July session.

63. Ms. ABAKA noted that the main reason for the additional session was the backlog of reports, and asked whether the session would be devoted solely to clearing the backlog or whether other issues could be considered.

64. Ms. KING (Director of the Division for the Advancement of Women) said that the July session would be a normal session.

65. Ms. CORTI, supported by Ms. SHALEV, said that it would be useful for Working Group II to deal with the optional protocol.

66. Ms. SCHÖPP-SCHILLING agreed that Working Group I should begin consideration of the rules of procedure, and that it should also consider how to focus on the major issues raised by States parties, particularly in the case of second and subsequent reports. While a general overview was appropriate for initial reports, there was a need for more constructive dialogue in the case of subsequent reports. Now that the Committee had a second session, it really needed to rethink its procedures in general. She welcomed the tendency by States parties to elaborate in written reports, rather than orally.

67. Ms. GÓMEZ agreed that it would be productive for there to be an exchange on the rules of procedure in Working Group I so as to expedite the Committee's work at the July session.

68. Ms. AOUIJ said that cooperation and dialogue with non-governmental organizations should also be taken up by Working Group I.

The meeting rose at 1 p.m.

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Sixteenth session

SUMMARY RECORD OF THE 311th MEETING

Held at Headquarters, New York,
on Monday, 13 January 1997, at 3 p.m.

Chairperson: Ms. KHAN

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IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued)

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (continued)

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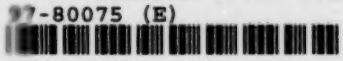

The meeting was called to order at 3.20 p.m.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued) (CEDAW/C/1997/3 and Add.1 to 4, CEDAW/C/1997/WG.II/WP.I)

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (continued) (CEDAW/C/1997/4, CEDAW/C/1997/5, CEDAW/C/1997/WG.I/WP.I)

1. The CHAIRPERSON reviewed the membership of Working Group I, dealing with ways and means of expediting the work of the Committee, and Working Group II, which dealt with the implementation of article 21 of the Convention. Their mandates were contained in rule 50 of the rules of procedure. The practice of the Committee had been to keep the membership of those groups flexible; members were free to attend meetings of either group. Both Working Groups were scheduled to meet at the same time, with interpretation services alternating. Interpretation would be made available to both groups as often as possible.

2. It had also been the practice of the Committee to designate members as focal points to report briefly on the activities of other human rights bodies and specialized agencies during the course of the session.

3. Ms. GONZÁLEZ MARTÍNEZ inquired when the International Law Commission would take up the subject of reservations to conventions.

4. Ms. CONNOR (Division for the Advancement of Women) said that a compilation of work done on that subject within and outside the United Nations system was available.

5. Ms. JAVATE DE DIOS (Rapporteur) suggested that a copy of the reservations made by each State party would be very useful to members.

6. Ms. ABAKA said that a listing of the commitments made by States parties at the Beijing Conference to implement the Platform for Action could also be useful in the Committee's review of compliance by States parties.

7. Ms. SCHÖPP-SCHILLING said that the information on commitments made in Beijing could be included in the analysis of State party reports prepared by the Secretariat. She agreed that a compendium of reservations, along with an update of general comments issued by all human rights treaty bodies, would be very useful.

8. Ms. SHALEV noted that the commitments made in Beijing were not binding treaty obligations; therefore, the Committee must approach that subject with care.

9. Ms. BUSTELO GARCÍA DEL REAL said that the latest report from the Special Rapporteur on violence against women would be very welcome. With regard to the initial report of Morocco, it appeared to her that the State party had not

supplied the appendices containing statistical information required to accompany an initial report.

10. Ms. KINTU (Secretary of the Committee) said that the delegation from Morocco would provide updated statistical information when presenting the oral report.

11. Ms. CARTWRIGHT said that the Committee might wish to review the amount and nature of background documentation and analysis on State party reports that it requested from the Secretariat. For future sessions, information regarding reservations to the Convention could be included.

12. Ms. CORTI said that information from Slovenia had been received as late as 7 January 1997, which would not allow enough time for the Committee to prepare for its consideration. The Committee must set and enforce firm deadlines for submission of material from States parties.

13. Ms. TIMOTHY (Deputy Director, Division for the Advancement of Women) said that the main report of Slovenia had been received on 26 September 1996; the information received on 7 January 1997 was supplementary. The Secretariat had made it clear to the State party that the information had been received too late for consideration at the current session.

14. Ms. SCHÖPP-SCHILLING said that the issue of deadlines for reports from States parties would be considered in Working Group I. Although in fairness, all States parties should receive the same treatment, the Committee should welcome the opportunity to receive the latest information. Also, Member States experienced varying degrees of difficulty in gathering the required information. Incidentally, the Human Rights Committee had decided to accept comprehensive oral reports from Member States in addition to written reports. The reporting backlog should also be borne in mind.

The meeting rose at 4.20 p.m.

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Sixteenth session

SUMMARY RECORD OF THE 312th MEETING

Held at Headquarters, New York,
on Tuesday, 14 January 1997, at 10.15 a.m.

Chairperson: Ms. KHAN

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

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97-80081 (E)

The meeting was called to order at 10.30 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial report of Morocco (CEDAW/C/MOR/1)

1. At the invitation of the Chairperson, Mr. Zahid (Morocco) took a place at the Committee table.

2. Mr. ZAHID (Morocco), introducing the initial report of Morocco (CEDAW/C/MOR/1), said that the report had been prepared in accordance with the Committee's guidelines on the form and content of reports of States parties.

3. Part one of the report dealt with the general social, political and legal framework, in which connection he noted that the advancement of women was now viewed from a human rights rather than social perspective. Action to promote equality of men and women was based on the principles of Islamic law and the international human rights instruments ratified by Morocco.

4. A number of measures had been adopted to implement the Convention on the Elimination of All Forms of Discrimination against Women, including reform of family law, labour legislation and the Criminal Code. Under the Constitution, any violation of the principle of equality of men and women was subject to legal action.

5. Various methods had been employed to ensure the full enjoyment of fundamental rights and freedoms by women in all areas on an equal footing with men, in respect of legislative measures, education, the media and activities by non-governmental organizations, political parties and government ministries. Nevertheless, much remained to be done, particularly in rural areas and for the most vulnerable groups of women, in which connection a campaign was being undertaken to reduce the rate of illiteracy to 10 per cent by the year 2000.

6. Part two of the report analysed women's civil and political rights, indicating de jure and de facto derogations from the principle of equality of the sexes. In that regard male and female government officials enjoyed the same status, without any discrimination, although certain functions, such as active duty on the police force were not open to women, and there were derogations in favour of women, such as maternity leave, in connection with family needs.

7. The Constitution guaranteed the equality of all citizens concerning the right to education and employment, and there were specific legislative measures to protect female wage-earners with respect to health and morality, for example, the prohibition of the employment of women in dangerous work. The Constitution also protected cultural rights. In addition, Morocco was bound by its commitments in those domains under the relevant international instruments.

8. In the 1990s there had been a significant consolidation of human rights institutions with the establishment of the Advisory Council for Human Rights and the Ministry of Human Rights, as well as various constitutional revisions. A number of legislative measures had been taken to promote human rights in general, and women's rights in particular. The institutional framework had been further complemented by the National Council for Youth and the Future. The National Strategy for the Advancement of Moroccan Women to the Year 2000 would also make an enormous contribution to attaining the aims of the Convention.

9. The Constitution of 13 September 1996 reaffirmed the protection of universally recognized human rights and established a bicameral parliament with increased power of scrutiny over the Government. The new House of Representatives had the authority to establish commissions of inquiry, which would facilitate the promotion of women's rights. Other constitutional provisions provided for censure of the Government and review of the constitutionality of pending legislation, and for the establishment of an economic and social council, which could be called on in connection with all human rights questions. All women now had a full right to enter into contracts and to obtain passports without their spouse's permission. Further legislative action to increase the independence of women in business and in the labour market was pending. Other economic and social measures, such as helping young people to obtain jobs, were applied without discrimination as to sex.

10. The action taken by Morocco to prevent discrimination against women demonstrated the Government's determination to implement its international human rights commitments. The Government was equally determined to continue its efforts to remove the obstacles that remained to the full participation of women in the economic and social development and political life of the country.

11. The CHAIRPERSON invited the members of the Committee to consider the initial report of Morocco.

General observations and comments

12. Ms. ABAKA said that submission of the report by the Government of Morocco marked a step forward. Unfortunately, although the report offered much information, it failed to follow the guidelines established by the Committee, making it difficult to relate it to the articles of the Convention. She hoped that the delegation would link its responses to specific articles.

13. The Government of Morocco had entered reservations in its ratification of the Convention, specifically to articles 2 and 16, which made the enjoyment of human rights by women almost impossible. Those articles constituted the core of the Convention. The Government should reconsider and withdraw its reservations, since they rendered the Convention almost irrelevant.

14. She welcomed the provision of human rights education in law enforcement agencies. The measure should be extended to medical and paramedical personnel, who were the first to see the victims of the domestic violence that was rampant in Morocco and who needed training to recognize victims of human rights violations as such.

15. Ms. OUEDRAOGO said that submission of the report was the first step in the Government's dialogue with the Committee. She welcomed the provision of statistics in the report, which allowed the experts to see the real situation of women. Nevertheless, the failure to follow the Committee's guidelines hindered its work, and an attempt should be made in subsequent reports to provide an article-by-article presentation. The first step in reform was the requisite political will, which, while present in Morocco, needed to be manifested further in order to counter the lack of representation of women in public and working life. There should be national coordination of measures at the ministerial level in that regard.

16. Ms. SCHÖPP-SCHILLING welcomed the portrayal of the situation of women in Morocco and also the timely submission of the report. However, she regretted the failure to follow the Committee's guidelines, which were intended to help members understand the real situation and to promote dialogue. The delegation should follow the guidelines in its responses.

17. The efforts to rescind legislation that restricted women's rights was noteworthy, and it appeared that the political will to move forward existed. Nevertheless, there had been no commitment by Morocco to the Beijing Platform for Action, and she would welcome details of what the Government intended to do to implement it.

18. She had serious concerns over the reservations entered by Morocco in ratifying the Convention because of the view that articles 2 and 16 conflicted with Islamic law. Those reservations struck at the very heart of the Convention and prevented progress by women in family life. While the Government claimed that Islamic law aimed to strike a balance between the spouses in order to promote the coherence of family life, in practice inequality led to violence and constituted a severe impediment to progress by women.

19. Ms. CARTWRIGHT said that it was heartening to see the Government's will to change Moroccan legislation in order to promote the equality of women. However, it was a matter for great concern that it had stated in its reservation to the Convention that it would comply with article 2 provided that the latter did not conflict with the provisions of Islamic law. Article 2 was central to the Convention, and if the Government was unable to accept its provisions, ratification lost its significance. The representative of Morocco should clarify in what way his Government would comply with the spirit and purpose of the Convention if it intended to retain its reservation to article 2.

20. The reservation to article 16 was also a matter of great concern; the Government should clarify why it was considered necessary for a woman, except in rare circumstances, to have the permission of a male relative before she married, and how that was considered to assist in preserving family life and matrimony. The Government should also state how the acceptance of polygamous marriage solely on the part of the male preserved the coherence of family life. She invited the Government to consider the Committee's comment on polygamous marriage, contained in paragraph 14 of General Recommendation No. 21. She also requested clarification of the reason why greater difficulties were placed in the way of women wishing to divorce than in the way of men in the same situation, and whether domestic violence against women was considered a

sufficient reason for a woman to obtain a divorce and financial support. She urged the Government to reconsider its reservations to articles 2 and 16, and asked what steps were being taken to bring Moroccan civil law into line with the provisions of article 15 (4). The effect of the reservations was so pervasive that the Government would have real difficulty in complying with the Convention; she drew attention to the Committee's comment on reservations, contained in paragraph 41 of General Recommendation No. 21.

21. Ms. AOUIJ thanked the representative of Morocco for the useful information contained in his oral presentation. She commended the Government's decision to accede to the Convention, thereby placing itself within the concert of nations committed to comply with international law in respect of women's rights. However, she recalled that it had been made clear at the World Conference on Human Rights that national culture could under no circumstances be invoked to justify discrimination, particularly against women.

22. She recalled that Islam had been the first of the great world religions to specifically lay down certain basic rights for women; Islam was an adaptable religion, and its beliefs were capable of being harmonized with the exigencies of modern life and the consequences of economic and social development. She urged the Government to continue with its efforts to bring domestic legislation into line with the standards of international law in respect of women's rights; it should endeavour to remove the remaining forms of discrimination, which were incompatible with those rights.

23. Ms. GONZÁLEZ said that, while the report contained much useful information, the fact that it had not been drafted in accordance with the Committee's guidelines meant that a clear comparison with the provisions of the Convention was extremely difficult. However, the report showed real political will on the part of the Government to improve the situation of women's rights in Morocco; its ratification of the Convention, as well as the legislative reforms already carried out, were commendable and should not be disregarded.

Article 2

24. Ms. CORTI concurred with the earlier remarks of members of the Committee concerning the Government's reservations to article 2 and the structure of the report. She wondered whether the ratification of the Convention had been published in the Moroccan Official Gazette, and what the status of the Convention in the county's domestic law was. She also asked whether the Government had made similar reservations to other human rights instruments, whether any public debate had been held following the ratification of the Convention, and what steps the Government had taken to give consideration to withdrawing its reservations.

25. Ms. FERRER GÓMEZ said the report showed that the Government was determined to make progress to improve the situation of women's rights in Morocco, but that there were numerous obstacles rooted in cultural traditions. She asked what major changes the Government planned to put into practice in the context of its efforts for the advancement of women, and whether those efforts would extend to civil, economic and socio-cultural rights. She also asked what national mechanism currently existed for the advancement of women.

Article 3

26. Ms. OUEDRAOGO recalled that article 3 of the Convention stipulated that States parties should take all appropriate measures to ensure the full development and advancement of women in all fields, in particular in the political, social, economic and cultural fields. Article 3 was very important in that it implied that both legislative reforms and political will were equally essential. It should be borne in mind that legislative changes were only a means to an end, and that the ultimate goal must be the achievement of concrete changes. That in turn required that there should be an appropriate national mechanism having the necessary powers. It was for each Government to determine which ministry was best qualified to implement the necessary changes; in many countries it was the Ministry of Justice. It was important that such efforts should be carried out not only by jurists, but also by technicians experienced in working with women at the grass-roots level. Women must also be actively involved in efforts to overcome the cultural inertia which, particularly in a number of African countries, both Islamic and Christian, made it more difficult to bring about change.

27. Ms. CORTI asked whether the Ministry of Human Rights acted as the central coordinating point for the Government's entire women's rights policy and what methods and structures were in place for the concrete implementation of that policy; she also wondered what the role of the Moroccan Economic and Social Council was in that respect.

28. Ms. BARE congratulated the representative of Morocco for the timely presentation of his Government's initial report; that showed a real political will to improve the status of women. She requested additional information regarding the exact political status of the National Committee for Women. She also wondered what influence women's organizations had on gender mainstreaming policies, and what legal and literacy programmes for women had been created.

Article 5

29. Ms. ACAR commended the Government for its ratification of the Convention and for its considerable efforts to comply with its provisions. Although the Government clearly had the political will to improve the status of women, concrete and vigorous implementation and the creation of appropriate mechanisms were even more important, as was the ability to translate that political will into the nation's cultural consciousness. She wondered what efforts the Government was making to educate the public in order to eliminate any prejudice or discrimination against women existing in customary practices and cultural attitudes, and to promote women's participation in public life.

30. Ms. Yung-Chung KIM said that the success of efforts to narrow the gap between de jure and de facto equality between men and women depended to a great extent on the education imparted in schools. She wondered whether the Moroccan Government and people had shown any interest in narrowing that gap and in eliminating the prevailing stereotypes about the respective roles of the sexes in society. In that connection, initiatives for reform must come not only from the Government but also from women themselves. She also wished to know whether programmes in family life education existed and, if so, who the initiators of

such programmes were, what their content was and to what extent the media contributed to their promotion.

Article 6

31. Ms. BUSTELO GARCÍA DEL REAL expressed the hope that the constitutional reforms currently under way in Morocco would lead to greater equality for women and to the removal of that State's reservations to the Convention. It was for the Government of Morocco to adopt a comprehensive national programme of special measures to promote equality between men and women. She noted that the initial report of Morocco contained no references to article 6 of the Convention, under which States parties were required to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women. It was important to know whether such legislation had been enacted and, if so, how it was being enforced and what provisions it contained for the punishment of those guilty of its violation. If prostitution was illegal, what punishment did the law provide for prostitutes and their clients? Was punishment meted out in practice, and was the punishment the same for both prostitute and client? If, on the other hand, prostitution was legal, what measures were in place to prevent the exploitation of women and the violation of their rights? What were the prevailing social attitudes towards prostitution, and what measures had been taken to safeguard the health of prostitutes and protect them from acts of violence, including rape? With regard to the traffic in women and girls, she wished to know what measures had been taken by the Government to prevent migrant women from falling into the hands of traffickers. Specific policies were needed to protect migrant women in both the sending and receiving States. The subject of the traffic in women had remained hidden for too long, and it was time for the Committee to shed light on that shameful reality.

32. Ms. JAVATE DE DIOS said that Morocco's ratification of the Convention and the legal reforms which it was currently undertaking, though laudable, were but initial steps which must be accelerated in order to effectively improve the status of women in Morocco. The laws which had been amended dealt with minor rights, while other far-reaching laws which restricted the rights of women remained in force.

33. Morocco's initial report contained no data on battered women and on the incidence of rape and sexual harassment in a society in which increasing numbers of women were entering the workforce. The Committee would welcome additional data on that subject.

34. Paragraph 98 of the report stated that the practice of prostitution was punishable by law. It would be interesting to know what punishments were provided and whether male clients received equal punishment. Data on the incidence of prostitution and on the traffic in women and girls would also be welcome.

Article 7

35. Ms. ACAR asked whether any efforts were being made to promote the participation of women at decision-making levels in the judiciary, particularly in the revision and implementation of the Personal Status Code.

36. Ms. CORTI said she was astonished at the absence of participation by women in the political life of Morocco, which was a modern democratic State situated geographically close to Europe, where movements seeking greater equality for women were very vibrant. She wondered how it was possible to continue to build a modern State if only two women were members of Parliament, whereas women constituted the majority of Morocco's population. Women were also absent at the decision-making levels of trade unions and political parties and, while a fair number of women were candidates for office at the local government level, few were elected.

Article 9

37. Ms. JAVATE DE DIOS noted that, under current law, the Moroccan wife of a foreigner could not pass her nationality on to her children and wondered if any changes in the law governing nationality had been envisaged.

Article 10

38. Ms. BUSTELO GARCÍA DEL REAL welcomed the progress which Morocco had made in improving access by women and girls to education, especially in the rural areas. A number of questions still needed to be clarified, however. Were educational programmes being implemented in the manner envisaged by the Moroccan Government? Were there differences between Koranic and modern schools? Did boys and girls attend the same schools and follow the same curricula? Were equal amounts spent on the education of boys and girls? Were programmes in place to teach equality between the sexes as an essential aspect of human rights? Did human rights form part of school curricula? Did young people have access to information on family planning and contraceptives? Could a husband force his wife to leave school if she became pregnant?

39. Ms. BARE asked what strategy was being followed to eradicate illiteracy, what resources were being devoted to that effort and how the campaign was being managed.

40. Ms. FERRER GÓMEZ asked what steps were being taken by the Ministry of Human Rights and the Ministry of Education to integrate equality of women and the gender perspective into the system of education and to promote a culture of the human person in Morocco.

41. Ms. JAVATE DE DIOS asked how the Government of Morocco was trying to enhance the image of women as self-assured human beings with abilities and talents and not just as mothers, how the promotion of human rights education was also promoting women's human rights and how that was reconciled with women's roles and obligations under Islamic law.

Article 11

42. Ms. GONZÁLEZ sought clarification of what was meant by "immoral work for women" in paragraph 176 of the report, and by the reference in paragraph 183 to the prohibition of women from engaging in "work of an immoral nature". With regard to the types of activities prohibited to women, it would be interesting to learn why women could not be employed to work in freezers, on hand-operated wool-combing machines and at pedal-operated sewing machines. She also wished to know whether women received equal pay for equal work in the agricultural, service, industrial and commercial sectors and whether they were represented at decision-making levels in trade unions. Finally, the Committee would welcome information on the efforts being made to eradicate illiteracy and increase the participation of women in the economic and social life of the country.

43. Ms. SCHÖPP-SCHILLING noted that women did not seem to enjoy equal status with men in employment in the public and private sectors and wondered what legislative measures had been adopted to eliminate discrimination against women in employment. While legislation that was protective of women was appropriate to a certain stage of a society's development, at a later stage such legislation actually impeded the society's progress towards equality. It would be helpful to know the number of complaints of job discrimination that had been brought before the courts, and by whom. She also believed that the prohibitions against transporting loads by tricycle and bicycle and working at pedal-operated sewing machines were outdated and should be removed.

44. Morocco had not responded to General Recommendation No. 9 of the Committee, which called for data disaggregated according to gender. Accordingly, the provision of data such as the percentage of females in the workforce, the percentage of unemployed women, the percentage of women receiving the minimum wage and the percentage of women in the top brackets of the salary scale, was important so that the Committee could have a better overall picture of the situation of women in employment. She wished to know why women were denied the right to work in certain areas such as the police or customs services. Those aspects of Morocco's legislation needed to be reviewed to give women equal access to the public sector.

45. She wanted to know what action was envisaged by the Government of Morocco to remove the de facto obstacle of age limits for access to public employment. She wondered whether any discrimination suits in the area of maternity leave had been filed by women, and whether the Government intended to tighten the enforcement of that legislation. Did the Government have any plans to lengthen the period of post-natal maternity leave which, in her view, seemed to be very short when compared to other countries.

46. Ms. RYEL said she hailed the reforms regarding women engaged in commerce as yet another sign of the Moroccan Government's determination to promote the advance of women. The representative of Morocco should, however, elaborate more on the meaning of "immoral work for women".

47. Ms. JAVATE DE DIOS asked about the implications of "good morals" when a woman applied for a job. Noting the considerable increase in the number of Moroccan migrant workers in other countries, she wondered whether the Moroccan Government had mechanisms to protect such migrant workers, particularly women. She wished to know whether the increase in the number of women workers was a reflection of the relaxation of legislation limiting women or of economic necessity.

48. Ms. FERRER GÓMEZ asked the representative of Morocco to explain how women's work could damage society and why certain types of work were prohibited to women. She was also not very clear about the meaning of paragraphs 153 and 154. Noting that there appeared to be differences in wages for work of equal value, she wondered whether the labour code under preparation would include any of the questions being raised by the Committee and whether there would be further progress on positive legislation for women's access to work on an equal footing with men. The Committee would also appreciate seeing statistics disaggregated by different categories of work.

Article 12

49. Ms. JAVATE DE DIOS asked if women's health concerns other than childbirth were addressed by the health-care system.

50. Ms. ABAKA requested information on the main causes of maternal and infant mortality and female morbidity in Morocco, and on the maternal mortality rate. The data on infant mortality should be disaggregated. Information should also be provided on the average number of live births per woman in Morocco and the fertility rates of the average Moroccan woman, the most common contraceptives used in Morocco, whether men were involved in the family planning programme both as implementers and beneficiaries, whether husbands were required either by law or in practice to give their permission before a married woman could receive health services, including family planning. Was pre-natal foetal testing available in Morocco? If so, what was the incidence of abortion following such testing, and what were the major reasons for such abortions? Noting that the many institutionalized legal justifications and societal discrimination which often gave rise to domestic violence had a serious impact on the physical and mental health of women, she asked for information on the percentage of female mental patients in Morocco.

51. Ms. SHALEV endorsed the concerns expressed about the reservations to the Convention and about the compatibility of such reservations with the spirit of the Convention. She wondered whether Morocco's efforts to reduce the rate of demographic growth had taken into account the provisions of the Cairo Programme of Action and the Beijing Declaration and Platform for Action in the area of women's reproductive health, and whether such efforts had been targeted at special groups in Moroccan society, in particular rural women.

52. As far as the section on women and health was concerned, more and updated information should be provided in order to enable the Committee to measure the progress achieved since 1990. The high maternal mortality rate of 500 per 100,000 reported by independent sources was a matter of serious concern. Information should also be provided on the incidence of teenage pregnancy.

Since professional attendance could reduce mortality rates, she wondered whether any efforts had been made to increase the availability of trained professional health services for women in childbirth. What proportion of overall public expenditure on health had been allocated to reduce maternal mortality?

53. She wondered whether abortion was permissible under any other circumstances. If not, what were the consequences to a woman of undergoing abortion? Had any efforts been made, on the basis of a commitment to women's health and well-being, to reduce the number of deaths and morbidity from unsafe abortions? What health-care provisions existed for women with incomplete abortions? The high maternal mortality rate was a violation of women's fundamental right to life and to bodily integrity. She wondered whether any special measures were in place to ensure full and timely access of all women to emergency obstetric care.

54. Noting that the additional information provided by Morocco indicated a significant increase in the prevalence of contraception among rural women, she asked what methods were being used, who covered the expenses of contraception and what family planning and reproductive health services were available. How many and what percentage of women in Morocco had access to such services and in what regions of the country were they available? The Committee also wished to know what resources had been allocated to reproductive health services compared to public national expenditure on health, and whether there were any legal, social or cultural obstacles to women receiving reproductive health services.

55. The Committee was very interested in receiving gender-disaggregated data on human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). The rapid increase in the past few years in the female/male ratio of HIV/AIDS infection was particularly alarming given the inequality of men and women within the context of a system of polygamy. Women's submission to men increased their vulnerability to exposure to infection with sexually transmitted diseases. In that regard, she wondered what measures had been taken to educate women on their sexual health and rights, and to empower them to protect themselves against exposure to sexually transmitted diseases from their legal spouses. Violence against women was a matter of women's health. The Government of Morocco should therefore review article 418 of its Criminal Code with a view to abolishing it. Violence was a major infringement of women's right to physical and emotional health. In that regard, she referred the Government of Morocco to General Recommendation No. 19 of the Committee, in particular paragraphs 24 (c), 24 (g), 24 (k), 24 (o), and 24 (r).

The meeting rose at 1 p.m.

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Sixteenth session

SUMMARY RECORD OF THE 313th MEETING

Held at Headquarters, New York,
on Tuesday, 14 January 1997, at 3 p.m.

Chairperson: Ms. KHAN

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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97-80087 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Morocco (continued) (CEDAW/C/MOR/1)

1. At the invitation of the Chairperson, Mr. Zahid (Morocco) took a place at the Committee table.

2. The CHAIRPERSON invited the Committee to resume its consideration of the initial report of Morocco (CEDAW/C/MOR/1).

Article 14 (continued)

3. Ms. BARE, referring to paragraph 268 of the initial report of Morocco (CEDAW/C/MOR/1), said that she wished to know whether rural women's access to credit was hampered by the need to provide collateral, and whether rural women needed their husbands' consent in order to obtain loans. It would also be useful to know whether women had title to land and could dispose of land freely.

4. With regard to the promotion of the handicrafts industry in rural areas, she requested information on whether a marketing infrastructure existed for such products.

5. Lastly, she would appreciate information on the percentage of rural areas which had access to safe drinking water and sanitation facilities.

Article 15

6. Ms. ESTRADA CASTILLO said that she shared the concerns expressed by other members of the Committee regarding the format in which the report had been submitted and the reservations made by the Government to the Convention. Nevertheless, article 15 of the Convention, concerning which the Government had not entered any reservations, referred to women's right to choose their residence and domicile and to their freedom of movement. Paragraph 89 of the report, however, indicated that a wife lost the right to the dowry and to support when she left the conjugal domicile without a valid motive and without her husband's consent. An explanation should be provided of what constituted a "valid motive" and what criteria were used to define it. Paragraph 89 also referred to "repudiation", which appeared to be an act defined by law; she wished to know whether and under what circumstances women could repudiate their husbands. It would also be helpful to know the legal definition of "unjust repudiation", referred to in paragraph 53. Lastly, further details should be provided concerning the period of statutory withdrawal and the place at which the withdrawal was to be spent, as referred to in paragraph 52, including whether both the period and the place were determined by the husband.

7. Paragraph 47 of the report indicated that among the requirements for obtaining a marriage certificate was the presentation of a copy of the permit

issued by the cadi, or judge, for the marriage of an insane or feebleminded person; it was unclear what the legal definition of "feebleminded" was, and whether it applied equally to men and women.

8. While the Government was to be congratulated on having enacted such a large volume of legislation in favour of women's rights, legislation by itself did not guarantee equality. Information should be provided concerning the programmes that had been implemented to make women aware of their rights and encourage them to take legal action on their own behalf. In that connection, she wished to know whether there were any women judges.

Article 16

9. Ms. AOUIJ said that the most glaring examples of discrimination against women in Moroccan law were in the areas covered by article 16. The fact that the husband's role as head of the family was enshrined in law had major consequences. In the first place, the age of consent was 15 for women and 18 for men; furthermore, while the power of matrimonial constraint had been abolished, the power of guardianship had been maintained, so that a woman whose father was alive could not consent to marriage on her own, and must be represented by a matrimonial guardian. Polygamy remained legal, although it was subject to a number of conditions supposedly designed to ensure greater equity for women; such conditions, however, were notoriously difficult to fulfil in practice. Repudiation was the prerogative of the husband alone; a wife could obtain a divorce only through a judge. The husband chose the conjugal domicile and obliged the wife to join him, even if it meant giving up her job; otherwise, she could be repudiated by her husband on the ground of abandonment. Lastly, the presumption of legitimate paternity meant that filiation through the mother did not exist. An unmarried mother could give her name to her child only if she obtained written authorization from a male relative.

10. The provisions of Moroccan law dealing with the custody of children took no account whatsoever of the primary interests of the child. Custody was assigned on the basis of age, contrary to the provisions of the Convention on the Rights of the Child, to which Morocco was a signatory; she wished to know whether the Government had entered any reservations to that Convention.

11. The Government's efforts should be focused on improving women's rights within the family and on repealing discriminatory legislation. A modern, enlightened reading of the sacred texts would enable Islamic countries to integrate women into development, which was a prerequisite for the material and cultural advancement of their societies. She recommended that the Government should publicize its report, together with the Committee's questions and the Government's replies, and that it should disseminate the text of the Convention as widely as possible.

12. Ms. ESTRADA CASTILLO said that article 16 clearly posed problems for the Government, as it was one of the articles to which a reservation had been entered. That reservation appeared to conflict with the Government's legal positions. One of the most disturbing provisions of the Criminal Code was the legal justification of murder or bodily injury granted to a husband who discovered his wife in the act of adultery, as indicated in paragraph 99 of the

report. Moreover, if the husband was outside the country, the Public Prosecutor could prosecute the wife ex officio. No provision was made for the reverse situation; in her view, that destroyed the basis of respect for human life, and encouraged violence against women. Moreover, according to universal legal doctrine, adultery was one of the most difficult offences to prove; she requested the Government to specify the means of establishing proof and the penalties provided by law, and to supply data, if available, on the incidence of violence committed against women on grounds of adultery.

13. Lastly, she wished to know whether consideration had been given, as part of the national strategy for the advancement of Moroccan women to the year 2000, to eliminating from the legislative texts such highly subjective expressions as "sexual ethics", "immoral conduct", "insane and feebleminded", and so on.

14. Ms. CORTI, referring to paragraph 49 of the report, concerning the reform of polygamy, requested clarification of the phrase "risk of injustice". With regard to the reform of repudiation, as indicated in paragraph 51 (b) of the report, article 52 bis of the Moudouana (Personal Status Code) provided that any husband who took the initiative of repudiating his wife must give her a consolation gift. The reporting State should indicate whether consideration was being given to amending that provision, which violated both article 16 and article 1 of the Convention, as the concept of repudiation followed by a gift was condescending to women.

15. Ms. GONZÁLEZ MARTÍNEZ, referring to paragraph 45 of the report, requested clarification of whether a woman had the right to enter into matrimony, why the father had to sign the marriage contract, and why, if the father was deceased, the prospective bride had to delegate a guardian to perform that task. It was also unclear why, despite the reform of repudiation, only men could exercise that option.

16. Paragraph 93 of the report stated that, according to the Moudouana, the husband was the head of the family, and the wife therefore owed obedience to the husband. She would appreciate an explanation of why the law did not state that both spouses had an obligation to treat each other with mutual respect, especially as it was her understanding that the Koran contained similar provisions relating to the obligations of both partners within a marriage.

17. Also unclear was the reference in paragraph 94 of the report to the husband's "power of correction" over his wife, which could be interpreted as an endorsement of violence against women. The Government should indicate whether wives also had the power to "correct" their husbands. Similarly, with regard to the statement in the same paragraph that the wife owed deference to her husband's parents, she wished to know whether the reverse was also true.

18. Lastly, she would appreciate further details on the extent to which mothers had the power to decide on the upbringing and education of their children.

19. The CHAIRPERSON said that the Government was to be commended on having submitted its report within one year of ratification of the Convention, which demonstrated its attachment to improving the status of women. The reservation made by the Government to article 2 of the Convention, however, appeared to

conflict with that aim. In many countries, including her own, in which Islam was the dominant religion, the Islamic shariah did not really regulate behaviour, but was often put forward as an excuse. She therefore urged the Government to examine those areas in which Moroccan women still faced discrimination, such as marriage and family law, and to decide whether the provisions of the Convention really conflicted with Islamic law.

20. Mr. ZAHID (Morocco), replying to the questions raised, said that the format of the report reflected earlier guidelines issued by the Committee; the subsequent revisions of those guidelines would be taken into account in the next report. As to the question of reservations to the Convention, he agreed with the Chairperson that a flexible interpretation of the shariah was possible, and that his Government should re-examine its position. Lastly, his country had one woman magistrate; further details would be provided in subsequent reports.

21. Mr. Zahid (Morocco) withdrew.

The meeting was suspended at 3.50 p.m. and resumed at 4 p.m.

ORGANIZATION OF WORK

22. The CHAIRPERSON said that, at its meeting on 13 January, the Officers of the Committee had decided that the Committee would meet as a working group of the whole to hear a briefing from the Chair of the Open-Ended Working Group on the Optional Protocol. The Committee would also meet with the Bureau of the Commission on the Status of Women to discuss the Commission's work programme and preparations for the commemoration of its fiftieth anniversary. Arrangements had also been made for the Executive Directors of the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA) and the United Nations Development Fund for Women (UNIFEM) or their representatives to address the Committee.

23. Taking into account the circumstances surrounding the fourth periodic report of the Philippines, and in order to encourage a constructive approach, the Officers had decided that the report would be received and reviewed by the Committee. The Officers had also decided to waive the rule requiring simultaneous release of an official document in all working languages of the Committee and to allow an edited English version of that report to be issued and considered by the Committee.

24. Ms. SCHÖPP-SCHILLING suggested that, in order to save time, the representatives of the States parties should be asked not to read out the questions submitted to them in advance when giving their answers.

25. Ms. GONZÁLEZ MARTÍNEZ said that she was dismayed by the Bureau's decision to waive the requirement of simultaneous distribution in all working languages for the fourth periodic report of the Philippines. That decision would make it very difficult for those members of the Committee for whom English was not a working language to participate effectively in its consideration.

26. While she understood that the visits from the Executive Directors of various United Nations agencies which had been arranged could have value, it

seemed to her that the first duty of the Committee was to hear the reports of States parties. By devoting so much time to hearing those United Nations officials, it was her opinion that the Committee was failing in its responsibility to States parties.

27. Ms. CORTI said that while the Committee's first obligation was the consideration of reports submitted by States parties under article 18 of the Convention, in practice it had been able to hear statements by the heads of agencies as well, and those statements had assisted it in its consideration of reports. Since heads of agencies had very full schedules, it was sometimes necessary to accommodate them when they were available.

28. She asked the secretariat why the last part of the Committee's comments had not been included in the introduction to the report of the pre-session working group (CEDAW/C/1997/CRP.1).

29. Ms. BUSTELO GARCÍA DEL REAL said that although the Special Rapporteur on violence against women was required to work in cooperation with the Committee, she had consulted the Committee only in the first year of her mandate. Since then, two years had gone by. The Committee should be provided with all the reports she had drawn up and then have an exchange of views, perhaps at its next session.

30. She supported the comments made by Ms. Corti about the importance of contacts with representatives of other United Nations agencies and departments, which could be pursued without detriment to the Committee's priority task.

31. The CHAIRPERSON said that she had been informed that the Special Rapporteur on violence against women would attend the Committee's next session.

32. Ms. SCHÖPP-SCHILLING said that she agreed with Ms. González Martínez that it was unfortunate that the time available to representatives of States parties had to be cut down to make time for the heads of specialized agencies, although she recognized the importance of contacts with the specialized agencies. In future, now that the Committee had three-week sessions, it should be possible to avoid having representatives of the specialized agencies speak during time allocated to representatives of States parties.

33. Ms. AOUIJ asked whether the Committee would have to tell the representatives of Slovenia to complete their replies early at the 315th meeting so as to accommodate the Executive Director of UNFPA.

34. Ms. CORTI said that the entire 314th meeting would be devoted to the introduction of the initial report of Slovenia. If the representatives of Slovenia needed additional time at the 315th meeting, they should have priority over the Executive Director of UNFPA. Responding to Ms. Schöpp-Schilling, she said that the Executive Director of UNFPA had made a great effort to find time to address the Committee before leaving New York on official business, and the Committee could hardly say that it could not receive her.

35. Ms. CONNORS (Division for the Advancement of Women) said that the only time available to the Executive Director of UNICEF was at the 315th meeting. She

would inform the Committee as to when other executive heads would be available to address the Committee.

The meeting rose at 5 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

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12 March 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Sixteenth session

SUMMARY RECORD OF THE 314th MEETING

Held at Headquarters, New York,
on Wednesday, 15 January 1997, at 10.15 a.m.

Chairperson: Ms. KHAN

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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97-80093 (E)

The meeting was called to order at 10.30 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Slovenia (CEDAW/C/SVN.1)

1. At the invitation of the Chairperson, Mr. Türk and Ms. Kozmik (Slovenia) took places at the Committee table.

2. Mr. TÜRK (Slovenia) said that his Government attached great importance to human rights treaties, particularly the Convention on the Elimination of All Forms of Discrimination against Women. International human rights standards had been a powerful source of inspiration in the drafting of Slovenia's constitution and in its policy-making. On the occasion of the notification of succession to the multilateral treaties concluded by the former Yugoslavia, Slovenia had declared that such treaties were binding on it as a successor State from the very day of its proclamation of independence. Thus the implementation of those treaties had proceeded without interruption. He hoped that the Convention would soon be strengthened by the adoption of an optional protocol containing the procedure for dealing with individual complaints.

3. Ms. KOZMIK (Slovenia), introducing her country's initial report, said that while progress had been made in some spheres of women's lives, in others there was considerable backwardness. The principles enshrined in international human rights instruments, in particular, the Convention on the Elimination of All Forms of Discrimination against Women, played a crucial role in defending the rights of women in Slovenian society. In that regard, under the Constitution of Slovenia, the Convention could be invoked before domestic courts, and international instruments took precedence over national law.

4. The Commission for Women's Affairs, responsible for the implementation of the gender equality principle in legal documents passed by legislative bodies, had been established in July 1990, following the first multi-party elections. In July 1992, as a result of that Commission's efforts, the Government had established the Office for Women's Policies. It was responsible for monitoring the status of women and for implementing the rights of women guaranteed by the Constitution, laws and international agreements. It had the authority to participate in the preparation of laws and other acts, measures and programmes adopted by the Government and to make proposals regarding measures to be adopted in that area.

5. The initial report had been prepared by the Office for Women's Policies in cooperation with relevant ministries and other institutions and non-governmental organizations. The original report, which had been sent to the Secretary-General in 1993, had been published as a booklet and widely distributed within Slovenia. The report was an invaluable source of reference for Slovenia's development of strategies and programmes for the promotion of gender equality. It had been prepared in a period marked by dramatic changes and transition in many areas - economic, political and legal - and considerable difficulties had

been encountered in the gathering of data, especially disaggregated gender-based data. Most of the data had been updated with information covering the past two or three years in the form of an appendix to the initial report.

6. Her Government had effectively dealt with all the aftershocks of the disintegration of the former Yugoslavia. By applying several years of anti-inflation and anti-recessive policy, Slovenia had achieved macroeconomic stability in a relatively short time, along with an open and stable market economy. The gross domestic product had begun to grow again, and the country had had a budget surplus. The unemployment rate had even stabilized in the last two years.

7. The principle of equality between men and women was not being implemented in all areas of life to the same extent, despite the constitutional and legislative guarantees in that regard. Democratic elections and the introduction of parliamentary democracy had actually meant a decline in the share of women in political decision-making. Against all expectations, the November 1996 elections had reduced even further women's representation in political decision-making. A proposed law to ensure that one third of all party nominees would be women, with that share increasing by 5 per cent during every mandate period until equal representation was achieved, had unfortunately been rejected by a majority deputy vote. Effective measures needed to be developed in order to increase the participation of women in decision-making, and the electorate must be kept better informed.

8. In order to protect human rights and fundamental freedoms, the Constitution provided for a special institution for the informal protection of the rights of citizens. In recent years, no one had been sentenced for a violation of the principle of equality.

9. With respect to family matters, she noted that the foundations of family policy were determined by a 1993 resolution on the foundation of family policy. A special department for family affairs had been established within the Ministry of Labour, Family and Social Affairs. The new policy was based on the principles of universality, respect for the autonomy of the family and of its members and protection of the rights of the child. The State provided financial support to families in the form of cash benefits for disadvantaged families, child benefits, tax relief and subsidized day care. A crucial point worth bearing in mind was that all sociological research pointed to worsening conditions for starting a family.

10. Turning to education, she noted that illiteracy was almost non-existent in Slovenia. In 1996, a number of new laws had been passed on the thorough reform of schools over the next few years. While the Constitution of Slovenia guaranteed gender equality in education, research showed continued discrimination. In that regard, textbooks used in primary schools would be examined in the context of curricula reform. One of the main reasons for the much lower share of women in postgraduate studies than in undergraduate studies was that postgraduate studies corresponded to the child-bearing period of women, who were expected to care for and raise children. In order to improve that situation, the State should establish mechanisms for relieving women of those burdens and strive to bring about a change in attitudes.

11. Women frequently faced discrimination in employment. A high proportion of women worked full-time, creating the double burden of family and work. Steps to ease that burden, such as establishing a day-care centre network, had been taken in the socialist period, but further measures were needed as part of the Government's family policy. There was also a feminization of some professions, for example, medical and social care.

12. There had been rising unemployment since 1986, most of the unemployed being men, with unemployment among women having fallen. Women formed the majority of first-time job seekers, because they had difficulties in finding jobs, as employers expected them to take long maternity leaves. The State regulated compulsory medical, retirement, disability and other social insurance.

13. Reform of retirement and disability insurance was currently under consideration, in response to an ageing population. The pension system, too, was under strain. Current legislation allowed women to retire at the age of 58 after 35 years of work, compared with a retirement age for men of 63 after 40 years of work. Equalization of those provisions was envisaged. Because women had a greater life expectancy, they represented a majority of pensioners. Women had lower average pensions, because they usually worked in less well-paid jobs and in sectors where salaries were lower, and because they took frequent sick leave, in part to care for children, which then affected their pensions.

14. Maternity leave was 105 days, and child-care leave 260 days. Maternity benefit equalled 100 per cent of basic salary. Child-care leave could be taken by a father, if the mother agreed, although the proportion of men taking such leave was not very high as a result of traditional attitudes.

15. With regard to health care, the most common non-fatal, chronic illnesses in women under 40 were gall bladder and ergonomic diseases; the latter could be reduced significantly by regular industrial physiotherapy and adequate training. The most common causes of death in women under 64 were cancer and cardiovascular diseases. The mortality rate for cervical cancer had not changed significantly in recent years, and a monitoring programme was planned in the hope of achieving a 15 per cent reduction in its incidence by the year 2005.

16. All persons were guaranteed the right to health care, as prescribed by law, under the Constitution. Employed adults could take out voluntary health insurance in addition to compulsory insurance. Compulsory insurance guaranteed free family planning advice for women, with those insured paying a maximum of 15 per cent of the cost of services. In that regard there was a constitutional right to abortion; that was seen as a human right of women, not as a recommended contraceptive method.

17. All medical services relating to pregnancy and childbirth were free, and a very high percentage of women saw consultants. As a result, maternal and infant mortality rates were extremely low.

18. There were very few cases of acquired immunodeficiency syndrome among women, but a number of measures were being taken throughout the country to combat the disorder.

19. Although no data on mental health, disaggregated by gender, were available, the mental health of women was a special health problem. More and more non-governmental organizations were being formed to deal with mental disorders.

20. The transition period in Slovenia had left women on the sidelines, posing a challenge. The Government had committed itself to implementing the Beijing Platform for Action, through the Office for Women's Policies. Much progress had been made: the Beijing Declaration and Platform for Action had been translated into Slovene, and copies had been widely circulated. Expert groups had been formed to prepare a national strategy, and an analysis of the areas most in need of action had been carried out, with identification of priorities. It was anticipated that a national programme, the first aimed at promoting gender equality, would be ready for adoption by the summer of 1997. Priorities included strengthening national machinery, mainstreaming gender equality into all government policies and programmes, increasing the representation of women in political and public life, raising awareness of gender equality, reconciling professional and family life and preventing violence against women.

21. The CHAIRPERSON invited the members of the Committee to consider the initial report of Slovenia.

General observations and comments

22. Ms. GONZÁLEZ MARTÍNEZ said that the composition of the delegation was an indication of the Government's commitment to the advancement of women. The report was well structured and provided useful information. With regard to parliamentary institutions, she wished to know how many women members of the National Assembly there were, what the composition of the Committee for Women's Policies was, and whether it included any members of the National Assembly. The report did not indicate the structure of the Office for Women's Policies, or what its status was within the Government. Accordingly, she asked whether it was an independent organ, or subordinate to some other ministry. Lastly, she asked how widely the text of the Convention had been disseminated.

23. Ms. OUEDRAOGO said that the size of the delegation indicated a strong commitment to women's rights, as did the timely submission of the report, which had been prepared in accordance with the Committee's guidelines. The provision of statistical information was very useful, since it enabled the experts to assess the real situation of women. Nevertheless, the status and structure of the Office for Women's Policies were not clear. She asked how the Office coordinated with the many women's organizations in the country, particularly with regard to initiatives for the advancement of women.

24. Ms. SCHÖPP-SCHILLING said that the efforts made by the Government in favour of women were very impressive, particularly in a country in transition. The Government displayed decisive insight into the difficulties facing women, and had given strong support to the future optional protocol. She welcomed the emphasis on the Beijing Platform for Action and the efforts to publicize the initial report.

25. Ms. JAVATE DE DIOS said that the report was very helpful: it followed the Committee's guidelines and contained much recent data. The gains made by women

in Slovenia were impressive, given the transition in the country. She welcomed the positive measures taken to integrate human rights principles, including gender equality, in all policies. She also welcomed the openness towards non-governmental organizations, the frank approach towards difficulties and the prompt implementation of the Beijing Platform for Action.

26. Ms. SHALEV commended the delegation on the quality of the report. She asked what cases involving women's issues had been brought before the Constitutional Court, and what the outcome had been. Noting that the Convention could be invoked before domestic courts, she asked whether that had occurred, and, if so, with what outcome.

27. Ms. ABAKA commended the Government of Slovenia on its ratification of the Convention and on the quality of its initial report. There was, however, no reference to any of the Committee's general recommendations, which were intended to promote implementation of the provisions of the Convention. She noted that economic transition and structural adjustment nearly always had an immediate negative impact on women and children, particularly on health and education, and asked what mitigating measures had been taken. She commended the Government on having accepted refugees, despite the problems that would create for a small country.

Article 2

28. Ms. RYEL said that it was impressive that the Office for Women's Policies, as well as a number of non-governmental bodies, had been actively involved in the preparation of the report.

29. Although much progress had been made in a few years, including improvements in legislation, the presence of appropriate implementation mechanisms was most important. She wondered whether a human rights ombudsman had been appointed as provided for in the Constitution, and if so, whether the ombudsman had received any gender-related complaints, and what issues had so far been dealt with.

30. Ms. SCHÖPP-SCHILLING asked about the relationship between the Constitution and labour law, and how sexual discrimination in employment was dealt with. She asked for clarification concerning the text of the equality provision in the Constitution, in which some of the definitions seemed to be geared towards a strictly maternal role for women rather than viewing them as individuals on the same basis as men. She commended the Government for the swift establishment of the Office for Women's Policies, and wondered what its structure was, who controlled its budget, whether it was attached to a specific Government ministry, how it was represented on the Cabinet and whether its role was purely advisory. She also asked whether any special administrative units concerned with the gender dimension existed within particular Government departments, and whether the current Government had formulated any policy on women.

31. She asked for more information regarding the need to scrutinize current legislation to ensure that instances of indirect and covert discrimination were detected and removed, and suggested that such a review could be a task for the Office for Women's Policies. She also wondered whether there was any specific legislation, other than the Constitution, prohibiting discrimination in fields

such as employment, education and health; and she asked whether the new legislation in the areas of family policy, social security and taxation was geared towards women and men as individuals, or whether their family status played a role.

32. Ms. LIN Shangzhen commended the Slovene delegation for the quality of the report and of its oral presentation, and asked for more specific information as to how laws prohibiting sexual discrimination were being implemented in practice.

Article 3

33. Ms. CORTI thanked the representatives of Slovenia for their very frank oral presentation, and for having placed due emphasis on areas of concern. She wondered why the national machinery had been created by decree rather than by law, since a law would have had greater authority and durability; and on what grounds it had been decided not to create a ministry for women's affairs.

34. In addition, she would welcome additional information as to the appointment and composition of the staff of the national machinery; for example, were there any representatives of political parties, trade unions or non-governmental organizations? She also asked whether the financing of the national machinery was provided for in the national budget.

35. Ms. JAVATE DE DIOS asked for additional information concerning coordination between the Office for Women's Policies and other government departments, how monitoring of the status of women was carried out and what indicators were used. She would also be interested in more details as to how the Convention was publicized, whether it was available in translation and in a popular form; and how programmes initiated by the Office were integrated into Government policy.

36. She wondered whether legislative texts such as the Penal Code had been examined to determine whether there were any remaining discriminatory effects upon women, how bills on women's issues were prioritized in Parliament and how many had been passed.

Article 4

37. Ms. FERRER GÓMEZ said that it was gratifying that one of the first tasks of the Office for Women's Policies had been to prepare the report currently before the Committee.

38. Referring to the paragraph concerning protection of female employees from the harmful effects of certain production and technological processes, she asked whether women who would bear no more children were still covered by the legislation.

39. Ms. BUSTELO GARCÍA DEL REAL, referring to the statement in the report that there were no temporary measures for the realization of equality, said that it was not sufficient that legislation should comply with the Convention, just as the absence of complaints concerning the right to equality did not necessarily demonstrate that there were no violations. The statistics reflected a

considerable discrepancy between formal equality and real equality. Effective implementation was essential, particularly for the protection of the most vulnerable groups of women, and affirmative action was necessary in order to achieve changes in attitudes and in social structures.

40. She wondered whether enough use was being made of the Convention, which had the force of law in Slovenia, and whether it was being publicized sufficiently; for example, was it available in a form which could be understood by schoolchildren, so that it could be used for educational purposes, to change sexual stereotypes and to combat domestic violence?

41. She agreed with Ms. Corti that programmes and mechanisms for gender equality would have greater authority and durability if they were created by law.

42. Ms. Yung-Chung KIM said that, although legislative provisions for paternity leave apparently existed, it seemed from the oral presentation that very few men took advantage of it. She presumed that that was due to the traditional division of labour between women and men, and wondered how that could be reconciled with the provisions of the Constitution which stipulated that both parents had the right and duty to bring up their children.

43. Ms. SCHÖPP-SCHILLING said that improvements in the situation of women would not be achieved without affirmative action, particularly in a country such as Slovenia which was going through a major transition. For example, it was very important to quickly promote the employment of young women in jobs which were not traditionally feminine; if that was not done, sexual stereotypes would be reinforced. The Convention was an excellent tool for achieving such improvements, but Slovenia, which had increasingly close ties with the European Union, should also bear in mind its directives concerning affirmative action. She asked whether the Government had any plans to introduce affirmative action measures, and if not, what obstacles might prevent it.

44. Ms. JAVATE DE DIOS said that, in the spirit of article 4 and in the light of the remaining gender gaps described in the report, measures should be introduced to enhance women's participation in politics, to promote equitable parental responsibility for child care, to encourage women to enter non-traditional fields such as engineering, science and technology and to foster educational and media efforts to change stereotypes.

45. Concerning the protection of women workers from certain production and technological processes, she said that such measures should be implemented in the private sector as well as in publicly owned enterprises. Also in the spirit of article 4, the rights of other vulnerable groups of women such as the elderly should also be protected.

46. Ms. LIN Shangzhen asked what measures the Government intended to take to increase the representation of women in the political and economic spheres.

Article 5

47. Ms. CORTI said that article 5, to which the Committee attached great importance, was one of the most difficult to implement because it dealt with the modification of social and cultural patterns of conduct. While Slovenia had made commendable progress in that area, much remained to be done. With reference to the decline in the number of marriages, she wondered whether any research had been done to determine the causes of that trend in Slovenia. In addition, she would welcome clarification of what was meant by the drop in the quality of life of households.

48. On the subject of violence against women, it would be helpful if the Committee could be provided with additional data on the incidence and causes of that phenomenon. The report also lacked information on the measures being taken to change the negative stereotypes of women and on the contribution of the media to those efforts. She wondered, moreover, whether the proposals emanating from the Round Table Discussion on Violence Against Women, which had been organized in 1993 by the Office for Women's Policies, had since been implemented. She also wished to know who provided the SOS telephone services to victims of domestic violence and whether those services were available on a 24-hour basis. She noted, finally, that article 54 of the Constitution of Slovenia stipulated that parents had the right and duty to provide for, educate and bring up their children. It would be interesting to know how those provisions were being implemented in practice.

49. Ms. CARTWRIGHT said that, if indeed the proposals put forward at the Round Table Discussion on Violence Against Women had been implemented, it would now be useful to evaluate their effectiveness. Having identified the problem of violence against women, Slovenia must now devise solutions to the problem. One approach which had proved helpful in other countries was to disseminate information on the issue to selected groups, including the police and the judiciary. In that connection, she wondered whether the police force in Slovenia was being trained to develop greater awareness of the incidence of violence against women and the impact of such violence on all aspects of women's lives and on the society at large.

50. Ms. GONZÁLEZ MARTÍNEZ said that it was important to draw a distinction between general crimes of which women happened to be the victims and crimes of which women were the specific targets. In that connection, she wondered whether violence committed against women in a domestic situation were characterized as crimes. She believed that the punishment for the sexual abuse of minors under the age of 14 should be much more severe than that currently provided. Finally, she regretted that the Round Table Discussion had not resulted in any proposals for the punishment of domestic violence.

51. Ms. Yung-Chung KIM asked what steps were being taken by the Government to deal with the problem of violence against women and what the position of civil groups on that issue was.

52. Ms. OUEDRAOGO sought an explanation for the increase in the amount of work done by women in the home. She also wondered whether, given the importance of the family to the stability of society, there were any programmes in place to

prepare young people for marriage and family life. It would be interesting to know, finally, how widespread the phenomenon of single-parent households was.

53. Ms. JAVATE DE DIOS asked what assistance was given to single parents and their children. She wondered, moreover, whether de facto relationships came under the purview of current legislation and, if so, what the rights and obligations of the partners were, should the "union" be dissolved. It would be helpful if the Committee could be provided with additional data on the incidence of sexual harassment and on the steps being taken by the Government to combat it. She noted that punishment was provided for sexual harassment only if the guilty party was older than or exercised authority over the victim. In her view, the crime should not be so narrowly circumscribed. Programmes must be developed to increase public awareness of the problem of sexual harassment, particularly among the police and judiciary, in schools and in the workplace. With regard to pornography, reports had indicated that the rise of that phenomenon was tied to the political and social liberalization taking place in Eastern Europe. She wondered whether any studies had been carried out on the impact of pornography on reinforcing negative stereotypes of women and on creating a climate propitious to violence against women.

The meeting rose at 1 p.m.

UNITED NATIONS

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Convention on the Elimination of All Forms of Discrimination against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Sixteenth session

SUMMARY RECORD OF THE 315th MEETING

Held at Headquarters, New York,
on Wednesday, 15 January 1997, at 3 p.m.

Chairperson: Ms. KHAN

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IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

ORGANIZATION OF WORK

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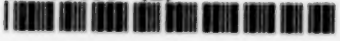

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The meeting was called to order at 3 p.m.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued)

Statement by the Executive Director of the United Nations Children's Fund (UNICEF)

1. The CHAIRPERSON said that the Committee's relationship with UNICEF was based on the fact that the latter's mandate was critically important for the empowerment of women. Women's human rights issues were closely associated with the rights of children. At the joint meeting of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, held in Cairo in November 1996, the participants had shared, for the first time, their experiences, problems and strategies, and common issues had emerged, exemplifying the need for closer cooperation between the two Committees. Following that meeting, she had made arrangements for a similar meeting with the UNICEF representative in her country, Bangladesh, which would take place in the near future. The complementarity between the two Conventions highlighted the need for a common platform, and the concerns of the Committee on the Elimination of Discrimination against Women could be addressed more meaningfully with support from UNICEF.

2. Ms. BELLAMY (Executive Director, United Nations Children's Fund) said that much progress had been made over the past year in strengthening the working relationship between the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. In January 1996, the UNICEF Executive Board had adopted a mission statement noting children's and women's rights as one of the areas for follow-up of the Fourth World Conference on Women. UNICEF was developing partnerships with countries and helping Governments use a rights-oriented approach to strengthen their actions in favour of children's and women's rights, since a focus on rights helped ensure the sustainability of the actions undertaken.

3. At their joint meeting in Cairo, the two Committees had recommended increased networking and cooperation between bodies of the United Nations system to promote women's and children's rights, dissemination of information, public awareness campaigns, facilitation of coalitions of non-governmental organizations and linkages with parliamentarians. In addition, the two Committees had agreed to share information on working methods and to join forces in encouraging countries to withdraw reservations to the Conventions and in working on common themes, particularly those concerning girls. The Committee on the Rights of the Child would step up its efforts to eliminate gender discrimination and to enhance women's status, while the Committee on the Elimination of Discrimination against Women would strengthen its focus on girls. Further key areas for cooperation had been explored at subsequent meetings between UNICEF and the chairpersons of the two Committees. Pursuant to the Convention on the Rights of the Child, UNICEF was committed to the principle of non-discrimination and to the promotion of equal rights for women and girls.

4. Ms. CORTI said she hoped that further joint meetings of the two Committees would be held and that the Committee could become involved in some of the field programmes of UNICEF. In her country, Italy, UNICEF planned to hold a conference to discuss the two Conventions; that event would provide an opportunity to publicize the Conventions and the complementarity between them.

5. Ms. GONZÁLEZ MARTÍNEZ said that strengthened relations between the two Committees would yield significant benefits. She was pleased that UNICEF had instructed its country offices to establish or strengthen their contacts with government institutions, parliamentarians and non-governmental organizations. However, she suggested that those offices should also maintain relations with national mechanisms for women. Improved coordination between UNICEF and government institutions would prevent resources from being wasted through scattershot approaches. She hoped that UNICEF would continue to strengthen its activities, which were very important in Latin America and the Caribbean.

6. Ms. ESTRADA CASTILLO recalled that her country, Ecuador, had been the first to sign the Convention on the Rights of the Child and the third to ratify that Convention. Recently, the President of the Supreme Court of Justice had decided to implement a national programme to publicize the two Conventions over a two-year period. That initiative had been supported by the President and the National Congress of Ecuador, and she hoped that UNICEF would also support its implementation.

7. Ms. AOUIJ said that emphasizing the linkages and complementarity between the two Conventions was a good strategy. Since many countries embraced the idea of children's rights more readily than that of women's rights, the association between the two would help to bring women's rights issues to the fore. UNICEF could contribute greatly to that effort by coordinating its work with that of national women's rights groups.

8. Ms. BARE said that the consolidation of the relationship between UNICEF and the Committee would be of particular value in spreading awareness of the Convention on the Elimination of All Forms of Discrimination against Women. In her country, Zimbabwe, UNICEF was translating the Convention into the vernacular; she hoped that UNICEF would then help to publicize the text of the Convention, especially in rural areas. The next step for UNICEF should be to incorporate the teaching of children's rights into school curricula. Subsequently, those actions could be reproduced in neighbouring countries.

9. Ms. JAVATE DE DIOS said that cooperation between the two Committees would result in the identification of issues which were critically important to both women and men. In her country, the Philippines, research on violence against women had revealed that girls were often affected by that phenomenon. The two Committees could enrich each other's work by identifying priorities together.

10. Ms. BELLAMY (Executive Director, United Nations Children's Fund) said that the Fund's relationship with the Committee was evolving as its work in the area of children's rights evolved. Since the majority of States had already ratified the Convention on the Rights of the Child, UNICEF had shifted its emphasis from the Convention's ratification to its implementation. As UNICEF was a development-oriented agency, it must address the rights of women as key actors

in the development process. Thus, the Fund's renewed emphasis on women's rights sprang not from a directive issued by its Headquarters, but from the natural relationship between the well-being of children and that of women. Although the Fund's partnership with Governments, at both the national and decentralized levels, remained very important, UNICEF was currently increasing its contacts and activities with civil society, non-governmental organizations and other actors. For example, in Latin America and the Caribbean, it was cooperating with the United Nations Development Fund for Women (UNIFEM) in facilitating the establishment of networks of non-governmental organizations, as part of the follow-up to the Fourth World Conference on Women. By emphasizing their complementarity, UNICEF and the Committee would not only avoid duplication of effort, but would also learn a great deal from each other.

Statement by the Executive Director of the United Nations Population Fund (UNFPA)

11. The CHAIRPERSON recalled that at the International Conference on Population and Development, Ms. Corti, the then Chairperson of the Committee, had raised the possibility of having a meeting between the Committee and UNFPA to consider issues relevant to the Committee and other human rights treaty bodies. As a result, the round-table meeting of human rights treaty bodies on human rights approaches to reproductive and sexual health and rights had been held in December 1996 at Glen Cove, New York. At the meeting, members of the Committee had made a number of proposals for enhanced cooperation between the Committee and UNFPA.

12. Ms. SADIK (Executive Director, United Nations Population Fund) said that the cooperation between UNFPA and the Committee was of immense value to UNFPA and to women throughout the world. The Committee's work in identifying and eliminating all forms of discrimination against women was of crucial importance; its efforts to promote women's right to health, and to reproductive health in particular, had helped lay the basis for women's empowerment.

13. Although the equal rights of women and men had been recognized in the Universal Declaration of Human Rights, no serious attention had been paid to the adverse effects of gender discrimination on women's health until the adoption of the Convention on the Elimination of All Forms of Discrimination against Women. The World Conference on Human Rights had emphasized the need to integrate women's rights into all human rights instruments and their implementation at all levels; both the International Conference on Population and Development and the Fourth World Conference on Women had reiterated that principle, and affirmed that women's health issues, including those related to reproduction and sexuality, were human rights concerns. The Fourth World Conference on Women had explicitly included women's right to make their own decisions about sexuality. The world community now accepted that States were responsible for respecting and protecting reproductive and sexual rights, as an indispensable element in achieving gender equality and the empowerment of women. Those goals were essential conditions for achieving sustainable development.

14. In order to hold Governments legally accountable for neglecting or violating reproductive rights, the understandings reached at the global conferences needed to be fully integrated into the treaty implementation and

monitoring process. That had been one of the goals of the round-table meeting of human rights treaty bodies on human rights approaches to reproductive and sexual rights sponsored by UNFPA, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights and the Division for the Advancement of Women. A major aim had been to strengthen working relations among United Nations organizations, the human rights system and non-governmental organizations, leading to better integration of gender concerns within the human rights system and of human rights perspectives within United Nations operations. It was the first time that experts from all six human rights treaty bodies, along with representatives of United Nations agencies and non-governmental organizations, had been brought together to address a thematic issue.

15. The round-table meeting had made some 30 recommendations. UNFPA had had a meeting with the Division for the Advancement of Women and the Centre for Human Rights to discuss future follow-up. It was also working with other specialized agencies to develop indicators for monitoring progress towards the goals set; that work could be coordinated with the standard-setting activities of the Committee and other human rights treaty bodies.

16. Another priority was to identify the kinds of information on women's health which States should include in their reports. The round-table meeting had urged the treaty bodies to re-examine their guidelines and general criteria for considering States' reports in order to integrate women's health issues more fully, and had recommended that the annual meeting of chairpersons of treaty bodies should devote one day to consideration of a thematic issue. United Nations agencies and other organizations had been urged to support the involvement of non-governmental organizations in the treaty monitoring implementation process and assist States in implementing the recommendations of treaty bodies, while non-governmental organizations had been urged to assist treaty bodies in developing recommendations and guidelines for the reporting process. UNFPA would invite Committee experts to a meeting on 22 January 1997 to discuss follow-up activities to the round-table meeting recommendations.

17. UNFPA was in favour of an optional protocol to the Convention which would increase accountability, enable members of civil society to report violations, and obligate States to react if violations were found. Every effort should be made to strengthen the Convention by encouraging countries which had not yet done so to ratify the Convention, or to remove their reservations.

18. Since the global conferences, many countries had taken important first steps to implement the reproductive rights agenda. Yet the right to reproductive and sexual health was still far from realization in many countries. Over 120 million women who wanted to limit or space their pregnancies were still without the means to do so, and an estimated 25 million underwent unsafe abortions each year. Many lives could be saved by relatively low-cost improvements in reproductive health care. Over 120 million women had undergone some form of genital mutilation. Many adolescents were still denied access to reproductive health information and services, and thousands of women refugees and others involved in emergency situations were being deprived of their reproductive rights.

19. The Convention and other human rights instruments were critical tools in persuading Governments and the international community to promote and protect the right to reproductive and sexual health. The human rights treaty process was also critical in creating an international standard that transcended culture, traditions and societal norms; while those were important forces which bound society together, they could not force women into a subordinate role, damage their health and minimize their contributions to the family, the community and the nation.

20. Ms. CORTI said that she welcomed the cooperation between the Committee and UNFPA. The round-table meeting had been a first attempt to bring everyone together and consider how to promote the right to reproductive and sexual health, which was a crucial human right. The discussions and action would benefit millions of women.

21. Ms. SHALEV said that the round-table meeting had provided a valuable opportunity to meet field-level staff, and had enhanced her understanding of the Committee's monitoring role. She looked forward to the follow-up to the round-table meeting.

22. Ms. ABAKA said that the round-table meeting had been an exceptional occasion not only for the Committee but also for the other treaty bodies, which had realized for the first time that they could use their conventions and treaties to benefit women. She endorsed the need for advocacy in the field: even after the global conferences, the need to promote women's reproductive health and rights had not been recognized at the national level. UNFPA field officers could do much in that respect, along with non-governmental organizations.

23. Ms. SADIK (Executive Director, UNFPA) said that UNFPA had drawn on the Convention in drafting the Programme of Action of the International Conference on Population and Development. Women's issues must be mainstreamed, and could not simply be add-ons to national programmes. Policy-makers talked about women's issues at international conferences and did nothing at home. It was not enough to change laws; discrimination and violence against women had to become socially unacceptable.

24. Advocacy training had been provided to all UNFPA field staff in 1996. Advocacy had to be non-confrontational, and, in order to allay the concerns of men, should concentrate on improving the status of both men and women. In the case of reproductive health, the control of women's fertility was one way of controlling women; yet women were not well protected because they did not have access to proper nutrition and health care during pregnancy and lactation. That issue would be taken up at the January meeting.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Slovenia (continued) (CEDAW/C/SVN/1)

25. At the invitation of the Chairperson, Ms. Kozmik (Slovenia) took a place at the Committee table.

/...

Article 6

26. Ms. BUSTELO GARCÍA DEL REAL noted the report's acknowledgement that the data it contained did not reflect the current situation with respect to the implementation of article 6, asked whether any government studies had been done on the number and situation of prostitutes in Slovenia and how they were protected from violence, exploitation and other violations of their rights. It was important to ascertain not only what measures the Government had taken, but also whether the women themselves felt that their rights under the Convention were respected. She wondered whether migrant women were informed of the danger posed by international networks trafficking in women, whether any migrant women had fallen prey to such networks and, if so, what measures the Government had taken to protect their rights. Lastly, she asked whether government offices for women cooperated with the police in that area, since prostitution was an underground activity about which the police were usually best informed.

27. With respect to article 4, she asked whether the Convention had the force of law in Slovenia for women belonging to minority groups and whether the rights of those women under the Convention were respected.

28. Ms. GONZÁLEZ MARTÍNEZ said that she shared those concerns, and asked whether Slovenia had considered the possibility of regulating the "sexual services" referred to in its report. With respect to the reference to Eastern European nightclub performers, she asked whether they were presumed to be prostitutes and, if so, what their immigration status was in Slovenia. If the provision of "sexual services" on a voluntary basis was considered an ordinary economic activity, the Government should regulate it and should take steps to ensure that it did not involve criminal activities such as trafficking in women and exploitation of prostitution.

29. The CHAIRPERSON said that the overall environment for the enhancement of women's status in Slovenia was positive, since Slovenia had ratified the Convention without reservations and Slovenian women enjoyed the benefits of a good child-care system and universal literacy. However, the report had not clarified the de facto situation of women in Slovenia's increasingly urban society, where pornography was no longer banned and prostitution seemed to be increasing. Moreover, the report did not deal adequately with the topics of violence against women and women in minority communities.

Article 7

30. Ms. ESTRADA CASTILLO recalled that under the previous regime in Slovenia, the demands for women's rights had been subsumed under the general demand for political rights of the population at large. Under the new system, the situation had improved, with the establishment of organizations entirely devoted to women's issues, and yet women's participation and influence in such bodies had declined dramatically. The causes of that setback needed clarification. The Government should specify whether programmes were being developed to make women aware of the need for political action. It would also be interesting to learn whether the political parties supported women once they attained political office and whether they educated women about their political rights.

31. Ms. CORTI, recalling the Slovenian representative's reference to "genuine democracy", said that in the reporting State, as in other countries, democracy was deficient. The Constitution guaranteed equality, but political participation was lacking. The Slovenian representative had mentioned the decline in the number of women elected to municipal office in the recent elections. In contrast, during the period when Slovenia had been part of the Yugoslav federation, women had been fully represented in political life at both the national and international levels. While the number of non-governmental women's organizations in various fields was impressive those organizations did not appear to be concerned with strategies for electing more women to Parliament.

32. Ms. CARTWRIGHT said that she shared the concerns expressed regarding the decline in the number of women elected to municipal office. It also appeared that there were no women members of the Constitutional Court. Additional information should be provided on how judges were appointed and whether special efforts were being made to ensure that an adequate number of women qualified for and were appointed to such posts. It would also be interesting to learn whether Slovenia was experiencing the same difficulties as other countries in retaining women at senior levels of the legal profession from whose ranks judicial appointees could be drawn and what, if anything, was being done to prevent such women from leaving that profession.

33. Ms. ACAR noted that, according to the report, women occupied a small number of elected positions as opposed to appointed positions, and that the number of women elected chairpersons of municipal communities had declined, particularly in the more developed areas of the country. Competitive politics appeared to have a negative effect on women's participation; she would appreciate additional information on the electoral system and on whether there were any structural factors built into it which worked against such participation. Further details should be provided on the political parties which had implemented quotas and on their chances of attaining power.

34. In connection with article 2, it had been stated that the recent structural adjustments had revitalized patriarchal attitudes. In societies where the State ideology promoted gender equality, the result was often complacency or even reaction on the part of women. In such cases, policies and programmes were needed to raise women's awareness of gender issues. She urged the Government to make more systematic efforts to combat the resurgence of patriarchal attitudes.

35. Ms. AOUIJ, noting that the first paragraph of the section of the report dealing with article 7 of the Convention indicated that equality between men and women was not emphasized in individual laws, said that the principle of equality must be enshrined in the written law so that it could not easily be called into question by any regime. Law was the first step in a process leading to changes in behaviour which would enable society to evolve towards greater equality.

36. The Government should indicate whether and how the Committee for Women's Policies and the Office for Women's Policies coordinated their efforts, and whether they had branches in rural areas. Further details on their role in the government hierarchy would be welcome.

37. She failed to understand why the women's committees of the political parties had so little influence, as those parties should be eager to obtain women's votes and should thus encourage their involvement in political life. She urged the Government to take steps to increase women's representation in Parliament.

38. Ms. SCHÖPP-SCHILLING asked whether the data concerning the representation of women in courts of law referred to judges. It would be useful to learn whether anything was being done to retain women in the judiciary. While the number of women in public administration was impressive and was probably attributable to the high standard of education under the socialist regime, affirmative action was needed to ensure that younger women were being promoted. Such measures did not have to be quotas; they could involve numerical goals, timetables, aggressive recruitment of younger women, mentoring by both senior women and men, and so on. What was important was that the performance of the upper echelons of the public administration should be linked to whether they were promoting women to higher positions.

39. With regard to the results of the recent elections, it was unclear why women were not entering politics in larger numbers. One possible explanation was that under the socialist system a number of slots had been reserved for women so that they had not had to compete. The factors impeding women's participation, such as sexual stereotypes, the double workload, women's economic status in a changing economy, the lack of child care, the lack of political education, and so on, should be clarified. It would also be useful to learn whether research had been done on voting behaviour and on whether women voted for female candidates.

40. She urged the Government to ensure that non-governmental women's organizations provided training in competitive politics, for, without affirmative action, women's participation would not exceed 10 per cent, and there would be no real democracy. In her country, Germany, even the conservative parties had seen the need for quotas.

41. The CHAIRPERSON said that she was concerned mainly at the low level of participation by women in politics at the decision-making level. She urged the Government to find ways to implement article 4 of the Convention.

42. She would be grateful for additional information on how coordination among the various agencies was ensured and whether they had overlapping functions.

Article 8

43. Ms. JAVATE DE DIOS, noting that Slovenia had only one woman ambassador, asked whether career diplomats received training in human rights and international law, and, if so, whether they were aware of the Convention and of the need to promote it as part of foreign policy.

Article 10

44. Ms. CORTI, noting the Government's achievements in the educational sphere, said that she would welcome information on whether human rights education was

provided and, if so, in which schools and courses. It would also be useful to learn whether the Convention was included in the curriculum. It was difficult to understand the decrease in the number of women in post-graduate studies, given the high number of female university students.

45. Ms. FERRER GÓMEZ said that, according to the report, the differences between the sexes throughout the educational system reflected positive discrimination in favour of girls. She would be grateful for information on the subjects taught in the secondary school for internal affairs and on why no girls were enrolled in it. Clarification should be provided concerning the obstacles to equal job opportunities for women in such fields as mining, maritime sciences, metallurgy, construction engineering and traffic and transport studies, as mentioned in paragraph (b), third subparagraph, of the section of the report dealing with article 10.

46. Among the obstacles to women's obtaining further education were household and family responsibilities. The Government should indicate whether any efforts were being made to promote shared responsibilities between men and women within marriage so that women could have equal access to education at all levels.

47. Ms. KIM asked whether "positive discrimination towards girls" meant that the schools were segregated. She would also appreciate knowing whether all the schools were coeducational except the secondary school for internal affairs. It was unclear why the number of women in technical and safety colleges was decreasing, while on the other hand, a large number of women were enrolled in law.

48. Ms. AOUIJ said that she, too, failed to understand why women were not admitted to the secondary school for internal affairs.

49. With regard to the vocational training scholarships granted by companies to future employees, there was a risk that girls might be arbitrarily excluded. In a transitional economy, finding and keeping a job became more difficult for women. The Government should adopt fiscal measures to encourage scholarships, and should demand that companies award scholarships equally to men and women.

50. Ms. JAVATE DE DIOS noted that, according to the report, illiteracy was almost non-existent in Slovenia, so that there were practically no illiterate women. Nevertheless, despite the Government's efforts, women were clustered in traditional fields; there was a big gap between men and women in engineering and computer science, professions which were likely to be much in demand. The gap in training would have major implications for women's future earning power and might result in female unemployment.

51. With regard to the effort to introduce gender-sensitive language into curricula and textbooks, the Government should be more specific about whether women's rights were included in school curricula.

52. Ms. SCHÖPP-SCHILLING said that she would appreciate additional information on whether vocational training was provided only in schools or also by enterprises, and whether scholarships were needed. It would also be useful to learn what percentage of girls were enrolled in vocational training in both

schools and enterprises, and what percentage of girls, as opposed to boys, were offered jobs after completing the training. The Government should endeavour to educate career counsellors to steer young women into non-traditional fields.

53. The report and the oral presentation had not mentioned women's studies. The Government should indicate whether there were professorships in that field. She would also appreciate information on whether the Office for Women's Policies had a budget for consciousness-raising activities.

54. Additional age-segregated data on children's attendance at preschools and kindergartens would be welcome. She also wished to know whether children spent a full day or half a day in school.

Article 11

55. Ms. FERRER GÓMEZ inquired about the conditions that had led to growing unemployment for women and what the Office of Women's Policies had done to address the problem. She requested further explanation of discrimination against women of child-bearing age because of their potential family responsibilities.

56. Ms. ACAR said that, in many countries making the transition to a market economy, women were coping with unemployment and attempting to provide for their families by entering the informal sector. She wondered to what extent so-called "suitcase trading" had become a feminized occupation, whether any statistics were available on women's economic activity in the informal sector, and what State policy and strategies had been devised to integrate that sector into the formal economy.

57. Ms. BARE asked for a clearer definition of temporary employment, its usual duration and whether any job security and benefits were provided for temporary workers, since such employment was often a disguised form of exploitation. It would be interesting to learn whether the Office of Women's Policies had considered any programmes to train women for self-employment and whether the concept of job-sharing, widely used in other European countries, had been introduced. She would also like to know what role trade unions played in retraining workers.

58. Slovenia had recently ratified ILO Convention No. 156; she therefore wondered whether the Law on Labour Relations recognized discrimination against women of child-bearing age, and whether it would be amended to conform to the ILO Convention.

59. Finally, if 50 per cent day care coverage was not considered adequate, an explanation of any constraints on expansion of that service would be helpful.

60. Ms. SCHÖPP-SCHILLING asked if there was any specific legislation prohibiting discrimination in employment, and if not, whether there were any plans to introduce such legislation. She would welcome more information on legislation concerning equal pay for work of equal value, affirmative action programmes and the existence of any Government programmes for first-time job seekers. National statistics concerning work performed in the home and part-

time work would also be helpful. Finally, the views of trade unions on those subjects would be very interesting to hear.

61. Ms. RYEL, noting that there was no requirement that announcements of job vacancies must be gender-neutral, wondered whether any analysis of that policy had been conducted. She was concerned that women who had entered a non-traditional field of education might become discouraged when seeking employment in those fields if job advertisements appeared to be aimed only at men. She would also welcome further discussion on the concept of equal pay for work of equal value as it was understood in Slovenia.

62. With regard to pensions, she would like to learn why women could retire five years earlier than men and the effect of earlier retirement on their pension benefits. It would also be interesting to know if fathers were afforded the same opportunity to take parental leave as mothers.

Article 12

63. Ms. GONZÁLEZ MARTÍNEZ said that the very high rate of abortion - over 50 per cent of the number of live births - and the large number of couples not using any form of contraception were a cause for concern. The highest rate of abortion was among younger women, and she wondered whether any Government-sponsored sex education or contraceptive education programmes existed.

64. Ms. ABAKA commended the Government of Slovenia for including the right to abortion among constitutional guarantees. It appeared to her, however, that in the context of that liberal legal framework, abortion was being used as contraception. She asked whether women were counselled before the procedure about the consequences, especially of repeated abortions, and how often a woman could have the procedure within a specific period. Statistics on the mortality rate from complications from abortion and the major causes of maternal mortality would be welcome. It seemed that little emphasis was placed on family planning, and she would like to know why condoms were not distributed free of charge, especially in the light of the spread of HIV/AIDS.

65. With regard to the national health insurance scheme, she would like to know what happened if an individual was unable to pay the maximum 15 per cent share of the full price of medical fees. It would be helpful to learn if members of the medical profession were receiving human rights education, especially training in recognizing cases of domestic violence.

66. Ms. SHALEV said that, in order to understand the effect of the transition to a market economy on the public health insurance scheme, statistics on the public and private national expenditures on health for 1992 and 1996 were needed. She requested further explanation of the two categories of farm workers mentioned, the difference between compulsory and voluntary insurance, and whether such vulnerable groups as migrants and refugees were entitled to coverage.

67. With regard to the recent strike by doctors and dentists, she wondered whether those occupations had become feminized in recent years, and if so, the reasons behind the strike.

68. Concerning occupational health, she asked what protection from reproductive hazards was provided to men, and whether there were any gender-disaggregated data on occupational health hazards. She would like to hear more about any efforts to train primary health care providers to identify domestic violence, and whether formal health education programmes in the schools covered domestic violence, reproductive health and male responsibility for sexual behaviour.

69. She commended the Pap smear policy, which had led to a significant reduction in cervical cancer, and inquired about the Government policy on mammograms. Gender-disaggregated data and age-related data on breast cancer and cardiovascular disease would be helpful. Regarding infertility, she would like to learn what treatments were covered and what percentage of public health spending was allocated to infertility compared to abortion and contraception. The report had not mentioned what happened if a woman sought an abortion after the tenth week of pregnancy. She also wondered whether any medical research on women's health issues was being conducted and whether women participated in clinical trials.

70. Ms. SCHÖPP-SCHILLING asked whether a women could benefit from her husband's pension plan, and vice versa, whether the pension system was based on individual accomplishments or family status, and to what extent maternity and child care leave were recognized in the pension system.

Article 14

71. Ms. BARE asked what impact farming women's initiatives (aktive) had had in preparing women to participate in local decision-making bodies, such as municipalities. It was indicated in the report that 57.3 per cent of the rural population had little or no access to facilities; she asked what percentage of that was a deficiency in child care, health and education. It was commendable that there was no illiteracy among rural women.

72. Ms. OUEDRAOGO said that the report referred to training programmes for women farmers in the field of domestic science; elsewhere in the report, women's domestic load was referred to as a problem. It might be better to focus on strategies to reduce the domestic load.

73. The study entitled "The Quality of Life" showed sharp disparities between rural and urban areas; in accordance with the Platform for Action of the Fourth World Conference on Women, it must be ensured that increased productivity by rural women led to increased income for them. At the same time, more information needed to be provided about the de facto situation of rural women, including statistics on their economic activity and on access to credit.

74. Ms. Kozmik (Slovenia) withdrew.

ORGANIZATION OF WORK

75. The CHAIRPERSON said that the initial report of Zaire had originally been scheduled for consideration at the current session; because of a breakdown of communications with Kinshasa, however, the Government of Zaire had not informed the Secretariat that it was ready to present its report, and as a result, the

initial report of Zaire had not been included in the agenda. Since a delegation had arrived from Zaire, she suggested that the Committee should request the representative of Zaire to make an exceptional report on the situation of women in Zaire on the clear understanding that the regular report of Zaire would be taken up at a future session.

76. It was so decided.

The meeting rose at 6.15 p.m.

UNITED NATIONS

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Sixteenth session

SUMMARY RECORD OF THE 316th MEETING

Held at Headquarters, New York,
on Thursday, 16 January 1997, at 10.15 a.m.

Chairperson: Ms. KHAN

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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97-80111 (E)

The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial, second and third periodic reports of Saint Vincent and the Grenadines (CEDAW/C/STV/1-3 and Add.1)

1. At the invitation of the Chairperson, Ms. Ollivierre (Saint Vincent and the Grenadines) took a place at the Committee table.

2. Ms. OLLIVIERRE (Saint Vincent and the Grenadines) said that the report contained in document CEDAW/C/STV/1-3 had been sent to the Committee in 1992 as a result of an administrative error and requested that the report dated 28 July 1994 (CEDAW/C/STV/1-3/Add.1) should be considered as the main report.

3. Before presenting her report, she wished to clarify certain statements concerning Saint Vincent and the Grenadines which were contained in the country reports prepared by the International Women's Rights Action Watch (IWRAW). The report mistakenly suggested that population growth was a problem in her country. Youth unemployment, which was indeed a major problem, was not necessarily the result of population growth but of the absence of job creation programmes and the failure of economic development to keep pace with improved educational standards. She also objected to the use of the term "serial monogamy" with reference to Saint Vincent and the Grenadines. While some adults had more than one spouse during their reproductive life, such relationships were by no means flippant and were no more common in Saint Vincent and the Grenadines than in other countries of the world where divorce and separation were freely permitted.

4. Turning to recent developments, she noted that further progress had been made in enhancing the status of women through legislation. The Family Court, which had been established in 1992 to deal with matters pertaining to domestic violence, child custody cases, child abuse and most juvenile cases, had become functional in the first quarter of 1995. A Domestic Violence Act had been passed to provide a more rapid response to complaints of domestic violence against women and children. There were still some attitudinal problems, however, on the part of those whose duty it was to enforce the law. Legal aid on a limited scale was being provided through the Ministry of Justice, while the Department of Women's Affairs had established a network of lawyers to work pro bono for women in violent relationships who required protection under the law.

5. After providing general information about Saint Vincent and the Grenadines, its general political structure and its land and people, she reported that the Constitution provided the main frame of reference for the protection of basic human rights. While the judicial system did not allow for the Convention to be directly legitimized in its current format, the Government had made every effort to bring local legislation into line with the articles thereof. The Department of Women's Affairs, which had been established in 1985, was the main agency for the implementation of the relevant government policies.

6. With reference to articles 1 to 3 of the Convention, the 1979 Constitution guaranteed the rights of women and all citizens. Since its signing of the Convention, the Government had enacted legislation, such as the Equal Pay Act of 1994, which embodied the principle of equality between men and women and outlawed some discriminatory practices. The Act was particularly relevant to the industrial and agricultural sectors, where men traditionally received higher wages than women for the same amount of work.

7. With regard to article 4, she noted that the Women's Desk had been upgraded to a Department of Women's Affairs with responsibility for promoting the social, political and economic interests of women and their role in development. The Department had been involved in training, employment, education and health programmes and had provided support for the development of non-governmental women's organizations. The National Council of Women also received an annual subvention from the Department of Women's Affairs to support its administrative and programmatic activities.

8. Concerning the modification of social and cultural patterns, as provided for in article 5, she said that many of the norms in Saint Vincent and the Grenadines were based on contradictions. Women were expected to realize their full potential while remaining subordinate to men. One means of enforcing subordination continued to be the use of brute force, particularly in common-law relationships. The problem of the socialization of males and females into rigid gender roles was beginning to be addressed, mainly through an opening up of the school's curriculum.

9. The prostitution of women, to which article 6 referred, was discouraged, and several related offences were covered in the Criminal Code. Owing to the difficulty of establishing that prostitution had occurred, such cases were rarely brought before the court.

10. The situation of women in Saint Vincent and the Grenadines met the requirements of two sections of article 7, although women were underrepresented at the level of the formulation of Government policy and in the holding of public office. While there were no legal barriers to prevent the participation of women in the political process, few women stood for Parliament, and none of the political parties had articulated policies to encourage the participation of women as candidates in a general election. Women were perhaps best represented in the non-governmental, non-profit organizations.

11. With regard to representation at the international level, the highest-ranking female was the Deputy Ambassador of Saint Vincent and the Grenadines to the United States of America. The common practice was to award ambassadorships not necessarily to career diplomats but to persons with strong political affiliations, and, historically, women in Saint Vincent and the Grenadines had not been active in party politics.

12. On the subject of nationality, which was dealt with in article 9 of the Convention, the Constitution provided for all persons born in the State before and after independence to become citizens. A woman, whether or not married to a fellow citizen, could pass on her citizenship to a child born outside the State, although the foreign husband of a citizen must apply for citizenship.

13. With regard to education, school attendance rates in both urban and rural areas were high. The Government was the largest provider of both primary and secondary education. While access to primary education was universal, however, access to secondary education was based on merit and the financial capacity of the parents. Women accounted for the majority of teachers within the primary and secondary school systems, although most of the school principals were men. A similar situation existed at the tertiary level.

14. Turning to article 11, she reported that, owing to the country's economic situation, the national Constitution did not guarantee the right to work of all nationals. The Constitution did, however, provide women with some protection against gender-based discrimination, which included discrimination in the field of employment. There were fewer women than men in the labour force, mainly because many women were engaged in child rearing, and much of the unpaid female work in the agricultural sector was not generally recorded as economic activity. Women were protected from discrimination in employment by the Minimum Wages Orders and Regulations of 1989 and by the Equal Pay Act of 1994. They were guaranteed maternity and other benefits under the National Insurance Scheme and under chapter 229 of the Laws of Saint Vincent and the Grenadines.

15. In the field of health care, which was covered by article 12, males and females had equal access to health care services in Saint Vincent and the Grenadines. Human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), which was transmitted almost exclusively through heterosexual contact, was a growing problem, and Government agencies together with the Saint Vincent Planned Parenthood Association were seeking to combat it through more effective screening of blood supplies, sexual health education and the distribution of contraceptives at subsidized rates. Tubal ligation as a form of family planning was practised. In the case of married women, permission for the operation usually had to be granted by the husband. The Ministry of Health was currently conducting an educational campaign to encourage more women to have tests for the early detection of breast, uterine and cervical cancer. Many villages had health centres which provided daily health care services, including the delivery of babies, and many first-time mothers availed themselves of post-natal check-ups.

16. As far as article 13 was concerned, the situation of women was favourable. They had equal access to any benefits offered by the Government and had the right to take out loans, conclude mortgages and enter into financial commitments without the prior consent of their husbands. The fact that men received more agricultural loans than women was more the result of the choice of crops than of any discriminatory policy on the part of lending institutions.

17. Concerning article 14, she said that the most recent agricultural census showed that female ownership of agricultural holdings amounted to slightly less than one third of total holdings. However, more research was needed in that area. In the meantime, the Government was undertaking the redistribution of the remaining estates throughout the country. So far, 35 per cent of farms had been leased to women. There had been social improvements in rural communities, mainly in the areas of health and education. Access to water and electricity was also improving.

18. Turning to article 15, she noted that, although men and women were equal before the law, in some instances women's access to the courts had been limited by financial resources. A recent development which gave women greater independence and choice of action was the Domicile Act.

19. Under article 16, she drew particular attention to the Age of Majority Act, which reduced from 21 to 18 years the age of majority, and the Domestic Violence and Matrimonial Proceedings Act, which gave women equal rights to apply for a court injunction to restrain their spouses. Of equal importance were the Married Women's Property Act, which allowed a woman to own, acquire, manage and dispose of property in her own name, and the Matrimonial Causes Act, which allowed for the same grounds to be applied equally to men and women.

20. The CHAIRPERSON invited the members of the Committee to consider the combined initial, second and third reports of Saint Vincent and the Grenadines.

General observations and comments

21. Ms. FERRER GÓMEZ thanked the representative of Saint Vincent and the Grenadines for the very full and excellent oral presentation. She asked whether any surveys had been carried out on the causes of the high rate of emigration, especially of women, including its consequences on the ratio of men to women, as well as its impact on families headed by women. She would appreciate more information on the structure, staffing, funding and present work programme of the Department of Women's Affairs. She also wanted to know whether the Government had developed any national programmes as a follow-up to the Fourth World Conference on Women.

22. Ms. OUEDRAOGO commended the Government of Saint Vincent and the Grenadines for a well structured report, which provided a wealth of information on the status of women. However, because the report was a combined one, and in view of the date of her country's ratification of the Convention, she had expected to see a clearer picture of how the situation of women had evolved since 1981. Accordingly, in her oral responses, the representative of Saint Vincent and the Grenadines should provide more information on that subject as well as on the difficulties that were preventing the full advancement of women.

23. Ms. ABAKA said that while the combined report had followed the Committee's guidelines on reporting, it had made no reference to the Committee's general recommendations. She trusted that it was merely an oversight which would be addressed in the answers to the Committee's questions or in the next report. She wondered why the Government had taken so long to present its report. She commended Saint Vincent and the Grenadines for being one of the first countries to ratify the Convention and for its efforts to implement it despite financial and other constraints. In that regard, she wished to know what action the Government was taking to combat the adverse effects of the trade restrictions, especially the drop in prices for agricultural commodities, that had unfortunately resulted from the conclusion of the Uruguay Round. She also asked how the Department of Women's Affairs and the National Council on Women coordinated their activities. While it was encouraging to note that the social and legal means of implementing the Convention were enshrined in the Constitution as well as in other types of legislation, including labour laws and

the Criminal Code, that was not enough. The Government should reconsider its position in that regard with a view to making the Convention part of domestic law so that women could benefit more fully from its provisions.

24. Ms. GONZÁLEZ MARTÍNEZ asked whether there was any study on the causes of the high emigration rate among women, why more women emigrated than men and what their countries of destination were. A breakdown of their numbers according to age, social status and occupation should also be provided. She asked whether the rapid growth of the population had prompted any consideration of long-term family planning policies that took into account the impact of population growth on youth unemployment.

Article 2

25. Ms. CARTWRIGHT, noting that the Convention was not part of national law, asked whether it would be given consideration in alleged cases of discrimination brought before the High Court, whether the High Court gave particular importance to conventions such as the Convention on the Elimination of All Forms of Discrimination against Women, and whether there had been any case where the Convention had been cited as an authority before the High Court. She also wished to know whether, in any court case involving claims of discrimination, financial damages and other remedies were available to women.

26. With respect to the Family Court, she asked if perpetrators of physical or sexual violence against women and children were still tried in the criminal courts and, if so, what the penalties were. She asked whether the Government had considered introducing education programmes for key groups responsible for administering the law, such as the police and the judiciary, and whether the Family Court also offered therapeutic programmes for perpetrators of violence against women and imposed any other penalties. As far as women's access to justice was concerned, she wished to know whether the Government had introduced a legal aid programme for women. Without such financial assistance, women could not benefit from their right of access to the courts.

27. Ms. AOUIJ asked which laws and regulations had been modified or abrogated in order to implement the provisions of the Convention, whether labour legislation was applied in both the public and private sectors and whether the law on violence was understood and had been well received by the population as a whole. The representative should clarify the provisions of article 13, paragraph 3, of the Constitution, which seemed to her to have had a perverse effect. Referring to article 16 of the Constitution, she wondered how many women had actually applied to the courts to seek redress, and what decisions had been handed down.

28. Noting that the State was working on a coherent, dynamic policy and strategies together with development programmes aimed at promoting the status of women in various areas, she asked which programmes were particularly geared to women, especially vulnerable groups such as female heads of household. In the context of the implementation of the North American Free Trade Agreement, she wished to know what steps had been taken by the Government to mitigate the effects of economic restructuring, particularly in the export sector and in other industries dominated by women. She asked what measures had been taken by

the Department of Women's Affairs and the National Council of Women in that regard, and whether those two bodies had a structure which enabled them to coordinate their activities. Concerning the large number of teenage pregnancies, she wondered whether there was any discrimination against them, whether such adolescents were dismissed from schools or vocational training institutes, whether their families could take care of them or whether there were non-governmental organizations that dealt with the problem.

Article 4

29. Ms. GONZÁLEZ-MARTÍNEZ asked whether the Department of Women's Affairs had been established by a special act or by decree. Details should be provided on its specific mandate, functions and responsibilities and its status within the government structure as well as its relationship with the National Council of Women and how such relationship was embodied. She also wanted to know whether the Department had developed an equal-opportunity programme of action.

Article 5

30. Ms. LIN Shangzhen said it was gratifying to learn that the report had been prepared and coordinated by the Department of Women's Affairs with input from all the relevant government departments to which it related and from non-governmental organizations. That process had enabled each ministry to familiarize itself with the Convention and to consider the steps it needed to take in order to ensure its implementation. Social and traditional habits had had a negative impact on women. For example, more females than males took part in elections, but there were few women political leaders. It would require the concerted efforts of the whole society to bring about effective implementation of the Convention. It was important to organize training programmes and to use the mass media to sensitize the people so as to gradually change their social mores and perceptions. Otherwise the rights granted in the Constitution or stipulated in various laws might not be very effectively protected.

31. Ms. FERRER GÓMEZ said that the report made it clear that traditional stereotyped patterns persisted in Saint Vincent and the Grenadines. Two of the problems that manifested themselves as a result were violence against women, and the difficulties experienced by women in moving to leadership positions. She asked for further details of government measures to combat stereotypes, in particular, of programmes in the education system, and of any training provided to teachers and doctors in that regard. She also wished to know whether the media were involved, and whether efforts were being made through the National Council of Women, in conjunction with the Department of Women's Affairs, to extend relevant programmes to the broader community.

32. Ms. JAVATE DE DIOS asked whether there were educational and media programmes to address violence against women and to modify the traditional roles of men and women.

33. Teenage pregnancy was a significant problem in Saint Vincent, in which connection she asked what programmes existed to help teenage mothers and to educate the respective fathers in terms of sexual behaviour and parental responsibilities.

34. More information on sexual harassment and on measures against incest would be welcome, as would some elaboration on the attitudes that had given rise to incest cases. Lastly, she requested further details concerning which government offices had responsibility for monitoring violence against women.

35. Ms. GONZÁLEZ MARTÍNEZ welcomed the enactment of legislation on domestic violence. She asked whether its terms were those indicated in paragraph 26 of the report (CEDAW/STV/1-3/Add.1), and whether it provided for educational and social programmes to emphasize the fact that domestic violence was a broad social, rather than a narrowly domestic, problem. She also asked whether there were programmes to combat the stereotyping of boys and girls.

36. Ms. RYEL welcomed the inclusion in the report of the text of the articles, as a means of raising awareness of the Convention. She also welcomed the adoption of legislation on domestic violence. Nevertheless, the lack of shelters for victims of domestic violence was disquieting in view of the need for immediate protection and the fact that shelters were frequently a source of legal information for victims.

37. Ms. ESTRADA CASTILLO said that women in Saint Vincent and the Grenadines were themselves responsible in part for the maintenance of stereotypes; for example, little use was apparently made of a legal system that allowed them to assert their rights, and women voters - a majority - failed to elect women. Societal patterns were not changing. She asked whether the Government intended to introduce policies to combat stereotypes, and whether the Department of Women's Affairs had programmes aimed at promoting respect for the basic dignity of women. Failing such an approach, other measures would not have much effect. Women would not, for example, benefit from legislation against violence without government programmes to heighten awareness.

38. Ms. OUEDRAOGO said that stereotypes and prejudices were the cause of the inferior status of women. She asked whether there was any comprehensive study of stereotyped practices that impaired the health and hindered the development of women. Stereotypes were an amalgam of many elements, such as the traditional division of labour within the family. Efforts to identify such negative practices could help to transform the image of women.

39. While the new legislation on domestic violence was welcome, it would not suffice. She wished to know what accompanying measures had been taken, such as training of legal and police personnel coming into contact with victims. It should be understood that some women accepted such treatment and did not file complaints. She welcomed the provision of family life education programmes, particularly in primary schools, but wished to know what steps were being taken to educate other elements of society, such as couples.

40. Ms. SHALEV said that the report was very frank. It illustrated such societal problems as low participation by women in public life and the discounting of agricultural work, which was not seen as an economic activity. The Government had an obligation to take measures to close the gap between the de jure situation and the social situation.

41. The CHAIRPERSON, speaking in her personal capacity, noted that stereotyping led to violence against women. In particular, the illegal but widespread practice of paying dowries was a significant cause of violence. She asked whether there had, in fact, been any formal identification of the dowry as a cause of violence, and how the relevant legislation was monitored. She also asked what the provisions of the legislation on domestic violence were, and noted the relevance in that regard of General Recommendation No. 19. With respect to childbearing out of wedlock, she asked what the responsibilities of fathers were, and what help was given to unmarried mothers.

Article 6

42. Ms. BUSTELO GARCÍA DEL REAL said that the report had scant details on traffic in women and prostitution. While the problem might not be widespread, the Government obviously needed to know the true state of affairs. She asked whether there were studies on the question and how the relevant legislation complied with article 6 of the Convention. Prostitutes were the victims of exploitation much more than women in general. She asked whether the increase in tourism had resulted in any increase in traffic in women and requested more recent data. She also wished to know whether there were specific information measures to stop female migrants from falling victims to trafficking.

Article 7

43. Ms. RYEL said that participation by women on statutory boards, in public corporations and in other government bodies (CEDAW/C/STV/1-3/Add.1, table 13) would provide a positive role model and could be increased by government action. The Government might establish a policy stating that the minimum representation for either sex should be 40 per cent of the membership of such bodies.

44. Ms. JAVATE DE DIOS noted that while women did not hold many elective positions they were active as campaign workers and constituted a majority of voters. The question arose of how that could be translated into political influence. She asked what programmes were in place to promote participation by women in elective politics, what government policies there were to place women in appointed positions, and whether pressure was put on political parties to enhance participation by women.

Article 9

45. Ms. SHALEV asked why different rules applied to men and women regarding acquisition of citizenship by those marrying nationals.

Article 10

46. Ms. BUSTELO GARCÍA DEL REAL asked for more details of the family life education programme and whether it covered boys and girls. Such programmes were useful in overcoming stereotypes. She asked for further information on family planning measures, and, in particular, on access by young people to contraceptive measures, in view of the high incidence of teenage pregnancies.

47. She wondered whether abortion was legal and available to young women, and if not, what health consequences were suffered by them as a result of clandestine abortions; whether any measures were planned to rectify the preponderance of men in school head-teacher positions; whether any human rights teaching programme existed, and if so, whether the text of the Convention was used; what degree of success had been achieved by efforts to prevent teenage mothers from dropping out of formal education; and whether girls had equal access to sport and physical education programmes.

48. Ms. ABAKA said that, in the context of the problem of teenage girls who left school because of pregnancies, it was surprising that the country's churches seemed to have had little success in dissuading teenagers from engaging in sexual activity. They should be actively involved in helping young people to understand the consequences of teenage sex. She wondered whether there was any statistical information as to whether pregnancies were more common among girls attending mixed schools, and what measures existed to encourage teenage mothers to resume formal education.

49. Ms. GONZÁLEZ MARTÍNEZ, referring to paragraph 59 of the report, asked why the number of girls who went on to secondary school was so much greater than the number of boys; referring to paragraph 62, she inquired as to the reason for the existence of four single-sex secondary schools, and as to the gender of their students; and, referring to paragraph 76, she asked what was currently the real literacy rate in the country, what literacy programmes existed and whether they were available to both sexes.

50. Ms. JAVATE DE DIOS, referring to paragraph 69, asked whether the training programmes in the Multipurpose Centres were geared towards young people who were not in full-time education, particularly the most vulnerable groups such as teenage mothers; what differences existed in course choices by gender group, what professional placement arrangements existed, what types of employment were available for the graduates and what the rate of absorption was. She also wondered whether the Ministry of Education, Culture and Women's Affairs had any plans to begin courses in gender awareness or women's studies at secondary or even primary schools.

51. Ms. Yung-Chung KIM congratulated the representative of Saint Vincent and the Grenadines for the excellence of the report. Teenage pregnancies often led to social and psychological damage to the mother; however, it seemed that in the Caribbean region, the social stigma involved was perhaps less extreme. Referring to the programmes designed to encourage girls to continue in secondary education after teenage pregnancies, as described in paragraph 75 of the report, she hoped that the programmes would be successful and that the outcome would be detailed in the Government's next report.

Article 11

52. Ms. BUSTELO GARCÍA DEL REAL asked whether the Government intended to conduct studies or produce statistics regarding women's unpaid work and its contribution to gross national product.

53. Ms. JAVATE DE DIOS requested additional information regarding the coverage of the Equal Pay Act. She wondered whether the Act applied equally to public and private sector employment, to small enterprises and to the informal sector, whether any assessment had been made as to the effectiveness of the Act, what Government department was responsible for monitoring its implementation and what penalties existed for failure to comply. She would also welcome information regarding mechanisms to monitor occupational hazards to women, particularly those who worked in the free trade zones.

54. Referring to the issue of female emigration, she asked whether there was any mechanism to regulate migration and to monitor the outflow of women migrants, and what means were available for their protection and, when they returned home, for their reintegration.

55. Ms. BARE commended the representative of Saint Vincent and the Grenadines for the candour of the report and oral presentation. It was regrettable that many highly educated women should have such difficulty in obtaining well-paid employment, particularly in senior teaching positions; details should be provided as to the existence of any affirmative action measures to overcome that problem. Referring to the statement in paragraph 80 regarding the shortage of employment opportunities for women, she wondered why more efforts had not been made to promote employment for women in service industries such as tourism.

56. She had heard from an independent source that many women traders attempting to support their families were constantly harassed by customs officials. She asked whether the Department of Women's Affairs was aware of that practice and what efforts had been made to redress the situation.

57. Paragraph 92 of the report stated that health and safety regulations concerning the reproductive functions of women workers were not embodied in labour legislation. She asked what efforts were being made by the national machinery to redress that situation, to what extent workers' organizations were aware of that abrogation, and what efforts they were undertaking; she also wondered what role, if any, women trade unionists were playing in obtaining improved working conditions.

58. The CHAIRPERSON, speaking in her personal capacity, asked how the Equal Pay Act was implemented in the informal and agricultural sectors. She also wondered why the period of paid maternity leave referred to in paragraph 86 was only one month, rather than three months as was the case in most countries.

Article 12

59. Ms. GONZÁLEZ MARTÍNEZ, referring to the Government's measures against AIDS described in paragraphs 100-105, asked whether the Government planned to organize any public information programmes on AIDS in places such as youth centres and educational establishments; and referring to paragraphs 106-107, she wondered whether instruction in family planning and contraception would be provided for men as well as women. She also asked whether any assistance was being provided by international organizations, such as the World Health Organization, in the areas of maternal and child health or family planning.

60. Ms. ABAKA asked why abortion had not been legalized, given that many clandestine abortions were performed and that the doctors involved were not prosecuted. She also requested additional information on the major causes of maternal and infant mortality, asking whether prenatal foetal testing was available and, if so, whether many abortions were motivated by the results.

61. Ms. SHALEV expressed concern at the infant mortality rate of 19.3 per cent which had been reported, and asked for clarification of that very high figure. She also requested gender-disaggregated data on causes of death, particularly on cardiovascular disease; if that information was not currently available, it could be provided in the next report.

The meeting rose at 1.05 p.m.

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Sixteenth session

SUMMARY RECORD OF THE 317th MEETING

Held at Headquarters, New York,
on Thursday, 16 January 1997, at 3 p.m.

Chairperson: Ms. KHAN

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97-80117 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

INTRODUCTION OF THE COMBINED INITIAL, SECOND AND THIRD PERIODIC REPORTS OF SAINT VINCENT AND THE GRENADINES (continued) (CEDAW/C/STV/1-3 and Add.1)

Article 12

1. Ms. SHALEV asked whether data could be provided on morbidity from the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). Noting that abortion was illegal in Saint Vincent and the Grenadines, she asked what the penalties were, whether women were penalized in any way, and whether abortion was legal under some circumstances. She asked for statistics on complications or deaths resulting from abortion, what provision was made for women who had undergone incomplete abortions, whether there were any problems in obtaining medical care in such cases, and who covered the cost. She urged the Government of Saint Vincent and the Grenadines to review the law on abortion in the light of the Platform for Action of the Fourth World Conference on Women, and to decriminalize abortion.

2. The pregnancy rates among 10 to 14 year old girls were alarming; she requested data for the period from 1993 to 1996, and asked whether the rates had continued to increase. Information also needed to be provided on the age of the fathers, if available. More details were needed on the programmes carried out by the Ministry of Health to combat teenage pregnancy (para. 18). It might be advisable to adopt temporary special measures to address the problem. The infrastructure existed in terms of family life education programmes in primary schools, family planning clinics within the Ministry of Health, and prenatal classes in district health centres. She asked whether women in rural areas had equal access to those programmes, and whether the problems were greater in rural than in urban areas. She asked what sexual and reproductive health services were offered within that infrastructure; what educational programmes there were for boys and girls and what attention was given to male responsibility; what information and counselling was provided on contraception, what methods were available, which of them were offered by the public health system and who covered the costs.

3. It was indicated in paragraph 102 of the report that the use of condoms depended on the willingness of men; that factor increased female vulnerability to HIV/AIDS and other sexually transmitted diseases. She asked whether family planning programmes had been targeting the issue of gender inequality in respect of sexual behaviour. More information was needed on sexually transmitted diseases other than HIV/AIDS in terms of incidence and age and gender breakdown. The requirement of spousal consent for tubal ligation (para. 108) was in violation of the Convention.

4. She asked whether rural women had access to cancer detection and diagnosis services. Table 24 showed that the incidence of breast cancer was almost as that of cervical cancer. She asked what preventive programmes were in effect,

whether there were programmes to encourage self-examination for cancer, and whether mammography was available, to whom and at whose expense.

5. It had already been pointed out that the regulations on occupational health did not make specific provision for the protection of women's reproductive functions; however, the reproductive hazards affecting both men and women should be considered. Data were needed on public and private expenditure on health, and public expenditure on family planning, especially prevention of teen pregnancy.

6. Ms. OUEDRAOGO said that the requirement of spousal authorization for tubal ligation (para. 108) was discriminatory, since women should have control of their fertility.

7. Table 23 showed that the pregnancy rates for the 10 to 19 year old age groups were very high, indicating a failure of Government family planning programmes. More information was needed on the components of those programmes. She asked whether the rising pregnancy rates in the 25 to 34 year old age groups were a question of the availability of contraception, sensitization of public opinion, or financial access, or a combination of those factors.

8. The CHAIRPERSON, speaking in her personal capacity, asked whether abortion was illegal even in cases of incest, and what kind of skills were provided for young unmarried mothers.

Article 14

9. Ms. GONZÁLEZ-MARTÍNEZ asked whether the difficulty experienced by rural women in gaining access to credit (para. 124) also applied to obtaining credit to lease small farms (para. 125), and what the length of leases was. She asked whether women were able to secure credit to buy or lease land, and whether there was a system of small loans for small-scale farming, for example through self-help groups and cooperatives (para. 126).

10. Ms. BARE asked whether women had the right to inherit and dispose of land, regardless of whether they were married or single. She asked what steps were envisaged by the Department of Women's Affairs to improve the quality of pre-school facilities; that factor was very important in preventing the development of stereotyped and reactionary attitudes among children.

11. Ms. OUEDRAOGO asked for information about the content of the social, cultural and religious programmes of community groups (para. 127), and about social security programmes for women in rural areas. She asked what was being done to enhance the availability of credit for rural women, and whether a special office would be opened to provide credit to women, since they were not always able to offer the same guarantees as men. Comparative statistics needed to be provided for rural and urban areas on rates of economic activity and health. She asked if there were more problems with family planning in rural areas, and whether all births were attended.

12. Ms. FERRER GÓMEZ requested information on the development programmes organized by the Government for women in rural areas; she asked how the law on

agricultural reform would benefit women, and whether the Department of Women's Affairs had been able to work with the Ministry of Agriculture on the problems of women in rural areas.

Article 16

13. Ms. GONZÁLEZ-MARTÍNEZ asked for a copy of the Matrimonial Homes Act (para. 137) so that an analysis could be made.

14. Ms. ABAKA, noting that paragraph 37 referred to the prevalence of cohabitation between non-married persons, asked how such unions were protected by law and what the status was of children born out of wedlock.

15. Ms. ACAR, noting that the registration of all marriages was compulsory (para. 134), asked for information about the legal status of common-law marriages, particularly in view of the existence of serial monogamy. She asked whether there were any Government policies or efforts to encourage legal marriage or to discourage common-law marriages or protect women in such unions, and whether the office headed by the representative of Saint Vincent and the Grenadines was doing anything in that respect.

16. She asked whether the equal right of women to property acquired before and during the marriage (para. 143) meant that property acquired during the marriage had to be equally divided. Reference had been made to social norms and stereotypes which curtailed women's ability to make use of legal measures; she asked about the actual incidence of women's exercise of their rights in the areas of marriage, divorce and division of marital property, and whether there were any programmes to educate women about their legal rights.

17. Paragraph 141 referred to married women's equal rights and responsibilities with regard to guardianship, trusteeship and adoption; she asked for information about the status of unmarried women in that respect. She asked whether there were any legislative provisions which treated married and unmarried women differently.

18. Ms. CARTWRIGHT, referring to paragraph 143, asked whether the division of property on dissolution of marriage started with a presumption that the property would be shared equally.

19. Ms. Ollivierre (Saint Vincent and the Grenadines) withdrew.

ORAL REPORT ON AN EXCEPTIONAL BASIS ON ZAIRE (CEDAW/C/ZAR/1)

20. At the invitation of the Chairperson, Mr. Ileka (Zaire) and Ms. Sindani (Zaire) took places at the Committee table.

21. Ms. SINDANI (Zaire) said that because of the crisis in Zaire, for several years her Government had not been able to send representatives to introduce its report. Assistance from the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the Division for the Advancement of Women had made it possible for her delegation to participate at the meeting.

22. In September 1996, as a follow-up to the Fourth World Conference on Women, her Government, with the assistance of UNDP and UNICEF, had organized a national forum to evaluate the state of implementation of the Convention and propose solutions. Women from all over Zaire had attended the meeting.

23. Zaire had ratified the Convention in 1985. In traditional Zairian society, the role of women had been limited to that of mother, teacher and repository of traditional values, and they had remained subordinate to their husbands. Public and political life had been closed to women, except in a few isolated cases. During the colonial period, women had continued with their traditional tasks, although a few girls' schools had been opened to provide training in fields such as teaching and nursing. Since independence, fratricidal wars had done nothing to improve the status of women.

24. However, since 1965, women had become aware of their important role in society and public life. In 1964, the equality of all persons before the law, and their equal protection under the law, had been established in the Constitution. While some women were liberated from tradition and were affirming their rights, others remained in their traditional roles.

25. The political will of Zaire to promote the status of women was shown by women's entry onto the political scene, Zaire's support for all the resolutions and recommendations of the General Assembly relating to women, and its participation in the world conferences on women organized by the United Nations. A national mechanism for the advancement of women, focal points in all ministries and offices, and a section for working women within the national workers' union had been established. Efforts were being made by non-governmental organizations and associations and by churches. In 1987, a new family code had been promulgated, and in 1993 a national committee for women had been set up, consisting of representatives of the Government and of non-governmental organizations. An office of human rights had been established. However, only 0.7 per cent of the budget was allocated to women, and the level of the Government mechanism had been reduced from a ministry to an office.

26. Zairian women and men were treated equally under nationality law, in conformity with article 9 of the Convention. However, a married woman could not obtain a passport without her husband's permission. Under the Family Code, both women and men acquired legal capacity at the age of 18. Moreover, both were equally free to enter into marriage, which required the consent of both future spouses; the minimum age at marriage was 15 for women and 18 for men. Parents had equal rights and responsibilities with regard to their children. However, the Family Code also provided that the husband was the head of the family and that a married woman must receive authorization from her husband for any legal act committing her to any payment to be made in person, as noted in Zaire's initial report to the Committee (CEDAW/C/ZAR/1, para. 30). In the case of divorce, custody of the children was given to the parent who offered the best guarantees for their education. Thus, the Family Code represented a step forward for Zairian women, but also ran counter to articles 15 and 16 of the Convention by abrogating the legal capacity of married women.

27. The Penal Code did not discriminate between the sexes except in the case of adultery, for which it imposed harsher penalties on women. It punished all

offences that infringed upon the dignity of women (CEDAW/C/ZAR/1, para. 39), but those penalties were not always rigorously applied. The Labour Code provided for equal pay for equal work of equal value and protected women from having to do night work, heavy labour or work that was harmful to health. However, a married woman could not accept a work contract if her husband expressly objected, and could not receive family allowances if she was employed. In practice, the traditional view that women were inferior to men and belonged in the home prevented Zairian women from fully enjoying their labour rights under the law. Moreover, cases of sexual harassment against women in the workplace had come to light, although the extent of the problem was hard to determine.

28. Although Zaire's Constitution guaranteed women's political rights, including the right to vote and to be elected to public office, women were poorly represented in the political sphere. Similarly, although the Constitution stipulated that all Zairian children had an equal right to education, and despite the efforts being made to promote the education of girls and women in the country's new educational system, drop-out and illiteracy rates were much higher among girls and women than among boys and men; those disparities were most pronounced in rural areas.

29. Zairian women faced serious health risks owing to their lack of education, overwork and economic dependence. As a result, their life expectancy was only 53 years; the main causes of mortality among women included malnutrition, malaria, acquired immunodeficiency syndrome (AIDS) and other sexually transmitted diseases, frequent and closely spaced pregnancies, abortion and post-partum haemorrhage, diabetes and heart disease. Attempts to introduce family planning were thwarted by the strong influence of customs and religious beliefs which opposed contraception. The situation of rural women was particularly unsatisfactory, since such women owned no property, lived far from health-care facilities and lacked labour-saving technology, access to credit and education. The overall relationship between women and men in Zairian society was characterized not by partnership, but by the persistent view that women were inferior to men.

30. The CHAIRPERSON said that the Committee was very concerned about the armed conflict in Zaire and its effects on women's human rights; that was why it had asked Zaire to present a report on an exceptional basis.

31. Ms. CORTI said that the Committee had agreed to hear a report from Zaire on an exceptional basis because it was concerned about the current crisis in that country, which had tragic consequences for women and children. However, the Zairian delegation had merely presented what seemed to be a regular periodic report, without mentioning the armed conflict, the refugee situation or human rights violations in Zaire. She regretted that the Zairian delegation had misunderstood the Committee's invitation.

32. Ms. AOUIJ said that the Zairian delegation had presented useful background information on the discrimination suffered by women in that country; however, the Committee was primarily interested in hearing about the consequences of the armed conflict for women in Zaire. In its next periodic report, Zaire should include a full description of the plight of women affected by the conflict.

33. Ms. OUEDRAOGO said that she, too, had expected to hear a report on the exceptional situation in Zaire. However, she congratulated the representatives of Zaire on the quality of their presentation and on their commitment to improving the situation of Zairian rural women.

34. Ms. SCHÖPP-SCHILLING said that the Committee members were deeply disturbed about reports of raids on refugee camps in Zaire, as well as violence against refugees and their lack of food, shelter and health care. They had therefore expected to receive new information on the situation of women and children in South Kivu and on what the Government was doing to combat the human rights violations perpetrated against women and children by Zairian soldiers and militias. The information just presented could not be considered an official presentation of Zaire's second periodic report; the Zairian delegation would have to present that report, along with information on the conflict's impact on women, at a later date.

35. Ms. GONZÁLEZ MARTÍNEZ said that she had understood that Zaire's report was to be presented on an exceptional basis not because it was to deal exclusively with the current conflict in that country, but because Zaire was making an extraordinary effort to fulfil its international obligations by presenting its regular periodic report in spite of the serious difficulties caused by the crisis. She deeply appreciated the exemplary commitment demonstrated by the Zairian delegation.

36. Ms. BUSTELO GARCÍA DEL REAL said that she subscribed to the view that the Committee's priority, in the case of Zaire, was to ascertain the extent to which the Convention was being effectively implemented in the exceptional circumstances currently prevailing in that country.

37. Mr. ILEKA (Zaire), replying to the comments made, said that there was no misunderstanding between his Government and the Committee. The report presented at the current meeting had not been intended to take the place of a periodic report on his country's implementation of the Convention, but to inform the Committee of the situation prevailing in Zaire. While an area of 600 kilometres in the eastern part of the country was still occupied by foreign invaders, the majority of the population was living in peace, although under extremely difficult circumstances.

38. His Government did not control the situation in eastern Zaire and had thus been unable to prevent human rights abuses, which had been committed both by rebel forces and by the Zairian regular army. In the previous week, however, it had set up a commission to review complaints by war victims. Six senior army officers had been court-martialled for abuses committed in Nord-Kivu and Sud-Kivu, and army intelligence operations had been reorganized.

39. Despite the return of large numbers of refugees to Rwanda and Burundi in the autumn of 1996, some 600,000 to 800,000 refugees remained in Zairian territory. Many displaced Zairians, including children, had sought refuge in the forests, a phenomenon that had not been publicized by the international media. The United Nations bore a large share of responsibility for the suffering of the local population, because certain permanent members of the Security Council had lent an ear to parties linked to the conflict, so that no

solution had as yet been found. The worst was yet to come, because armed groups were forming and preparing for a confrontation.

40. Ms. SINDANI (Zaire) said that her country was in the throes of a conflict that had been imposed on it by outside aggression. Much attention had been focused on the plight of the refugees, but not on the suffering of Zairians. Refugees from the east were streaming into Kinshasa, including many children who had been separated from their parents. Outbreaks of cholera had been reported. Her country's economic situation was so desperate that her Government would have been unable to send a delegation to address the Committee had it not received assistance from UNICEF.

41. Her Government, which had always supported the safe return of the refugees to their countries of origin, the withdrawal of all occupying troops, and good-neighbourly relations in the region, called upon the international humanitarian organizations to condemn the suffering of women and children in the refugee camps, and looked forward to the results of the visit to Zaire by the United Nations High Commissioner for Human Rights.

42. The CHAIRPERSON thanked the Zairian representatives for the information provided and expressed the hope that the problems which they had described would be overcome by the time of the next periodic report.

43. Mr. Ileka (Zaire) and Ms. Sindani (Zaire) withdrew.

The meeting was suspended at 4.50 p.m. and resumed at 5 p.m.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued)

44. At the invitation of the Chairperson, Ms. Woergetter (Chairperson of the in-session Open-ended Working Group of the Commission on the Status of Women) took a place at the Committee table.

45. Ms. WOERGETTER (Chairperson of the in-session Open-ended Working Group of the Commission on the Status of Women), reporting on the process initiated to elaborate a draft optional protocol to the Convention, said that the elements adopted by the Committee at its previous session had created a basis for the Group's discussions. The debate had provided a useful survey of the views of various delegations; during the Third Committee's consideration of the agenda item on the advancement of women at the fifty-first session of the General Assembly, two thirds of the delegations had favoured the prospect of an optional protocol, which indicated that the proposal had gained ground since the previous session of the Commission. At its next session in March, the Commission would have a draft before it; she hoped that it would be possible to complete the first reading of the draft on that occasion. Because of financial constraints, however, a draft decision adopted by the Commission calling for the renewal of the mandate of the Open-ended Working Group had not been adopted by the Economic and Social Council.

46. Members of the Committee who had attended meetings of the Working Group had provided valuable input to the Group's discussions. She urged all members of

the Committee to continue to lend their expertise as members of national delegations.

47. Ms. SHALEV said that while she had attended the meeting of the Working Group and had found it very interesting and informative, she had chosen to act as an adviser to the Israeli delegation, and thus had never spoken on behalf of her Government. She was not certain that members of the Committee would have as much influence as members of delegations as they had in their role as independent experts.

48. Ms. SCHÖPP-SCHILLING said that it would be useful to have a fuller account of the legal and political obstacles to the adoption of an optional protocol and of how many States supported and opposed it.

49. Ms. CARTWRIGHT said that she would appreciate additional information on the preparation of the draft that was to be submitted to the Commission for a first reading.

50. Ms. JAVATE DE DIOS, noting with satisfaction the increased support for the proposal for an optional protocol, which could easily have become moribund, said that the current challenge was to generate further momentum by responding to the objections and criticisms voiced by Member States. A statement by the Committee might be useful in that regard.

51. Ms. ABAKA said she believed that members of the Committee could influence their Governments in favour of an optional protocol by becoming members of their national delegations.

52. Ms. FERRER GÓMEZ said that she would appreciate information on the number of Member States and non-governmental organizations which had responded to the invitation to transmit comments and suggestions regarding an optional protocol and on whether those replies would be issued as an official document.

53. Ms. WOERGETTER (Chairperson of the in-session Open-ended Working Group of the Commission on the Status of Women), replying to the questions raised, said that the political obstacles to the adoption of an optional protocol were similar to those faced by the Convention, as reflected in reservations to the Convention. As to the legal obstacles, some Governments had expressed the view that not all the articles of the Convention could be justiciable under an optional protocol, because they did not cover civil and political rights, but rather economic, social and cultural rights. The question of justiciability had been addressed by two members of the Human Rights Committee, who had argued that, as the Convention was based entirely on the concept of non-discrimination, that made its articles justiciable. Another issue related to whether individuals, affected groups or groups with a considered interest in the matter would have standing to bring complaints under an optional protocol. Lastly, there was felt to be the possibility of overlap between an optional protocol and existing human rights instruments.

54. A draft of an optional protocol did not yet exist. Hypothetically, such a draft could either be introduced by a delegation at a meeting of the Working Group, or prepared by her at the Group's request.

55. Credit was due largely to the Committee for the fact that the optional protocol had not withered away; Governments must now continue the process. The members of the Committee could provide an impetus to that process either by acting as advisers to their Governments or by playing a more active role.

56. The information on the number of States which had transmitted replies could be provided by the Secretariat, which was preparing a report on the question.

The meeting rose at 5.30 p.m.